

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA,
TULSA DIVISION

FRANKLIN G. PIERCE,

Plaintiff

VS.

ROBERT H. GARWOOD and ARTHUR
GOETTEL,

Defendants

KLEEN-AIR, INC., an Oklahoma
Corporation,

Intervenor

NO. 72-C-30

D I S M I S S A L

Comes now the plaintiff and dismisses its action against
the defendant, ROBERT H. GARWOOD, with prejudice.

This the ____ day of _____, 19__.

P. O. ADDRESS:

P. O. Box 668
Dalton, Georgia 30720
(404) 278-2040

MITCHELL, MITCHELL, COPPEDGE & BOYETT

BY:

Warren N. Coppedge, Jr.

P. O. ADDRESS:

Suite 1501
Fourth Natl. Bank Bldg.
Tulsa, Oklahoma 74119
(918) 987-0141

DYERS, POWERS & MARSH

BY:

Frank E. Turner

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MARK CONTROLS CORPORATION,

Plaintiff,

-vs-

ARDUN SUPPLY COMPANY, a
corporation,

Defendant.

Case No. 73-C-91

FILED

APR 30 1973

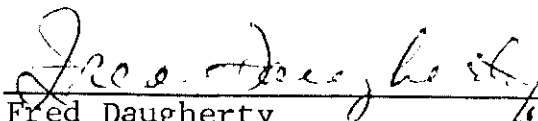
Jack C. Silver, Clerk
U. S. DISTRICT COURT

DEFAULT JUDGMENT

On Motion For Default Judgment filed herein by the above Plaintiff and it appearing to the Court that the above Defendant has been duly served with process herein and is in default in that no pleading or appearance has been made herein by said Defendant or anyone in its behalf within the time prescribed by law and it further appearing that an evidentiary hearing is not required on said Motion before entry of a Default Judgment herein,

IT IS THEREFORE ORDERED that Default Judgment is entered herein in favor of the Plaintiff Mark Controls Corporation and against the Defendant Ardun Supply Company, a corporation in the amount of \$62,175.83 plus accrued interest to date in the amount of \$4,780.14 plus a reasonable attorney's fee in the amount of \$2,500.00.

Dated this 30 day of April, 1973.


Fred Daugherty
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

CONAM INSPECTION, INC.,
SUBSIDIARY OF AUTOMATION
INDUSTRIES, INC.,

Plaintiff,

vs.

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL NO. 2 (AFL-CIO),
and HERMAN B. JONES, JAMES ACOSTA,
HAROLD LAY, JIM LAY, JACK
ALEXANDER, DAVID EVANS, DON
VAUGHN, DUKE DUCOTY and JOHN DOE,

Defendants.

NO. 72-C-437

FILED

APR 30 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Before me, and for good cause shown, it is
hereby ORDERED AND DECREED that the above-entitled
cause be dismissed without prejudice, at the
Plaintiff's costs.

DATED at Tulsa, Oklahoma, this 30 day of
April, 1973.

FRED DAUGHERTY

Judge of the United States
District Court

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

APR 27 1973

ALLSTATE INSURANCE COMPANY, Plaintiff,)

Jack C. Silver, Clerk
U. S. DISTRICT COURT

vs.)

JUDY KAY RAWLINGS and
JAMES B. RAWLINGS,

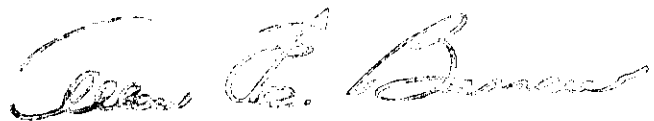
Defendants.)

No. 72-C-323

ORDER OF DISMISSAL

This April 27, 1973 on written application of the parties for a dismissal with prejudice of the complaint and cause of action filed herein, the court having examined said application finds that the parties have entered into a compromise settlement of tort action in State Court which gave rise to this declaratory judgment proceedings making these proceedings moot and the parties have requested this court to dismiss complaint in this action with prejudice to any future action and being fully advised in the premises the court finds that the complaint herein should be dismissed.

THEREFORE, IT IS THE ORDER, JUDGMENT, AND DECREE of this court that the complaint and cause of action stated in complaint filed in this court is hereby dismissed with prejudice to any future action.



ALLEN E. BARROW, Judge
United States District Court
Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ALLEN WALTMAN,)
)
Plaintiff,)
)
- vs -)
)
UPJOHN COMPANY, A)
Corporation,)
)
Defendant.)

FILED
APR 26 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 72-C 98

ORDER

This matter coming on to be ~~heard~~ ^{considered} this ~~24~~ ²⁵ day of April, 1973, ~~before~~ ^{by} me,
the undersigned Judge, upon the Stipulation for Dismissal, and this Court
finds that the above styled and numbered cause should be dismissed without
prejudice to the filing of a new action.

Allen E. Barrow
ALLEN E. BARROW, PRESIDING JUDGE

OK
Clerk B. B. B.

FILED

APR 26 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VALERIE ROSS,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

STIPULATION AND VERIFICATION
IN SUPPORT OF A PETITION FOR WRIT OF HABEAS CORPUS

It is hereby stipulated, sworn to and verified by
VALERIE ROSS, and her attorney, JAMES H. HARRIS, Jr.,
Defendant, UNITED STATES OF AMERICA, by and through
JOHN P. HARRIS, Assistant United States Attorney,
Northern District of California, as follows:

That I, and in consideration of the receipt of the
receipt of which is hereby acknowledged, the
does disburse into the public treasury of the
STATES OF AMERICA, arising out of the
Admiral Stanley Lee Officer, U.S. Navy, 1909,
1909, where she sustained a broken arm as a result of

on the 26th day of April, 1973.

James H. Harris, Jr.
Attorney for Defendant

John P. Harris
Assistant United States Attorney,
Northern District of California

Valerie Ross
Defendant

APR 19 1973

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURTCHLOE STEPHENS,
Plaintiff,

CIVIL ACTION FILE NO. 72-C-387

vs.

THE TRAVELERS INSURANCE COMPANY,
Defendant.

JUDGMENT

This action came on for trial before the Court and a jury, Honorable Fred Daugherty

, United States District Judge, presiding, and the issues having been duly tried and

the jury having duly rendered its ~~verdict~~ Special Interrogatory and Verdict, for the Plaintiff.

It is Ordered and Adjudged that the Plaintiff, Chloe Stephens, recover from the Defendant, The Travelers Insurance Company, the sum of Twenty Seven Thousand Five Hundred Dollars (\$27,500.00), plus 6% interest per annum from June 29, 1972, and 10% interest per annum beginning from the date of judgment, and plaintiff's costs of action.

Dated at Tulsa, Oklahoma
of April , 19 73.

, this 19th day

Clerk of Court

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

JERALD M. SCHUMAN,)
)
 Plaintiff,)
)
 v.)
)
 B. CYRIL ROGERS, et al.,)
)
 Defendants.)
)
 _____)

Civil

No. 72-C-409

E I L E D

APR 18 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER DISMISSING ACTION AS TO DEFENDANT
GEORGE T. KAMATARIS, WITHOUT PREJUDICE

Upon the annexed motion of Plaintiff, joined therein by Intervenor, for an order dismissing the within action as to the defendant GEORGE T. KAMATARIS, and it appearing that no cross-action or counterclaim has been filed by the said defendant, and it being represented to the Court that from the evidence adduced to date by the Plaintiff that the defendant neither participated in or approved the action of the alleged conspiracy to defraud Liberty Investors Life Insurance Company; and it further appearing to the Court that although this action has been designated as a class action but that no proceedings on said designation have yet been had, and no notice having been given to the members of the purported class of any of the proceedings herein, it is

ORDERED, that this cause be and it is dismissed as to the defendant GEORGE T. KAMATARIS, without prejudice to the refiling of same; and it is further

ORDERED, that notice to the purported members of the class designated in the pleadings herein be and it is hereby dispensed with; and it is further

ORDERED, that no part of the costs to be taxed herein shall be taxed to the defendant George T. Kamataris.

Tulsa, April 18, 1973.

Allen E. Barrow
U.S.D.J.

Approved for entry:

George T. Kamataris
George T. Kamataris

FILED

APR 18 1973 52

Jack C. Silver, Clerk
U. S. DISTRICT COURT

.....

10. $120 = 2^3 \cdot 3 \cdot 5$

— — — — —

On, or this 18 day of April, 1911, the Clerk, Members of the
Board of the City of New Orleans, and the Mayor of the City of New
Orleans, have entered into and signed the following agreement
of action & consent in and to the said City of New Orleans,
and the same is hereby affirmed.

Cecilia E. Barron
Cecilia E. Barron

...and the ...

[illegible][illegible]

Agenda 2014 :

100-447689

NOTE ON THE PROOF

Richard J. Belcher
 Vice President, Secretary for
 The American Security Insurance Company

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

KLEEN-AIR, INC.,
an Oklahoma corporation,

Plaintiff,

vs.

GOLDEN STAR POLISH MANUFACTURING
COMPANY, a Missouri Corporation,

Defendant.

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72-C-358

FILED

APR 18 1973

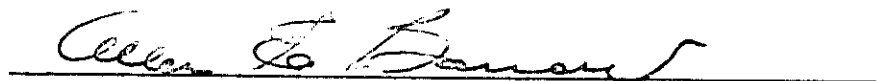
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER SUSTAINING PLAINTIFF'S APPLICATION
FOR LEAVE TO DISMISS COMPLAINT
AND CAUSE OF ACTION

The Court has for consideration the Application of Plaintiff for leave to dismiss, the brief in support thereof, and having been orally advised by Mr. James R. Head, counsel for defendant, that defendant has no objection to such dismissal,

IT IS, THEREFORE, ORDERED that plaintiff's application for leave to Dismiss Complaint and Cause of Action be and the same is hereby sustained.

ENTERED this 18 day of April, 1973.



CHIEF UNITED STATES DISTRICT JUDGE

IEU:lg
4/18/73

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

CITATION MANUFACTURING COMPANY,
INC., a corporation,

Plaintiff

vs.

JOHN L. CASH, et al.,

Defendants

No. 72-C-242

FILED

APR 18 1973

J U D G M E N T

Jack C. Silver, Clerk
U. S. DISTRICT COURT

There came on for trial before the undersigned United States District Judge sitting in and for the Northern District of Oklahoma, on the 16th day of April 1973, the above styled and numbered matter, as to the defendant, Carl Hood; plaintiff appearing by its duly authorized representative and counsel of record, Irvine E. Ungerman and Gatra Marvin, and the defendant, Carl Hood, appearing in person and by his counsel, James Frasier and the parties having announced ready for trial a jury of twelve persons were sworn to well and truly try said cause.

Thereafter the Plaintiff introduced witnesses sworn and examined in open Court and rested its cause. Upon plaintiff resting its cause the defendant interposed a motion to dismiss the proceedings and which motion, after due consideration by the Court, was overruled and exceptions allowed the defendant.

Thereupon the defendant offered proof from witnesses sworn and examined in open Court and upon resting his cause the defendant by a motion moved the Court to direct the jury to return a verdict in favor of the defendant and after due consideration by the Court the motion was overruled and exceptions allowed the defendant.

Thereafter the parties proceeded to argue their respective causes to the jury and the Court then duly instructed the jury on the issues of law and the cause as submitted to the jury.

Thereafter and in open Court the jury returned a verdict which was in the following words and figures, to-wit:

"United States District Court for the
Northern District of Oklahoma

CITATION MANUFACTURING COMPANY, INC.,)
a corporation, Plaintiff)

v.)

CARL HOOD, d/b/a F & W INDUSTRIAL)
SUPPLY and HOLIDAY MOBILE HOMES,)
Defendant)

No. 72-C-242

LAW OFFICES
UNGERMAN,

GRABEL,

UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

We, the Jury, find the issues herein in favor of the Plaintiff Citation Manufacturing Company, Inc., a corporation, and against the Defendant, Carl Hood, d/b/a F & W Industrial Supply and Holiday Mobile Homes, and fix Plaintiff's recovery in the amount of \$14,250.00.

April 16, 1973

Date

Vance Spordopole

Foreman "

together with an answer to a special interrogatory submitted by the Court by agreement of the parties which is in the following words and figures, to-wit:

"IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

CITATION MANUFACTURING COMPANY, INC.,)
a corporation, Plaintiff)
vs.)
CARL HOOD, d/b/a F. & W. INDUSTRIAL)
SUPPLY and HOLIDAY MOBILE HOMES,)
Defendant)

SPECIAL INTERROGATORY

Have you based your general verdict in favor of the Plaintiff on:

1. Breach of Contract? _____
yes or no

2. Fraud? _____
yes or no

3. Both Breach of Contract and Fraud? Yes
yes or no

April 16, 1973

date

Vance Spordopole

Foreman "

The Court ordered that said verdict be spread upon the records of the Court and that judgment should be rendered thereon.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that Plaintiff, Citation Manufacturing Company, Inc., a corporation, do have and recover in the above styled and numbered matter a judgment against the defendant, Carl Hood, for the principal sum of \$14,250.00 and pursuant to a Stipulation filed in this Court, a further judgment of interest on said \$14,250.00 at the rate of 6% per annum from the 5th day of June, 1972, until paid, together with a further sum of \$2,500.00 attorneys fees for the use and benefit of Plaintiff's counsel herein, and to be taxed as

United States District Judge

Irvine E. Ungerman

Attorneys For Plaintiff

James Frasier

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

WILHELMINA FULLER and
SESTOS BERNICE FULLER,
Plaintiffs,
vs.

STEAK AND ALE, INC. OF TULSA,
Defendant.

CIVIL ACTION FILE NO. 72-C-352
CONSOLIDATED
72-C-353

FILED**JUDGMENT**

APR 18 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

This action came on for trial before the Court and a jury, Honorable Fred Daugherty

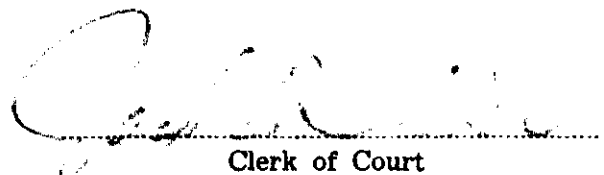
, United States District Judge, presiding, and the issues having been duly tried and

the jury having duly rendered its verdict, for the Defendant, Steak and Ale, Inc. of Tulsa and against the Plaintiffs, Wilhelmina Fuller and Sestos Bernice Fuller.

It is Ordered and Adjudged that the plaintiffs take nothing, that the action is dismissed on its merits, and that the defendant, Steak and Ale, Inc. of Tulsa, recover of the plaintiffs, its costs of action.

Dated at Tulsa, Oklahoma
of April , 1973.

, this 18th day


Clerk of Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 17 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
10.00 Acres of Land, More)
or Less, Situate in Nowata)
County, State of Oklahoma,)
and Julian W. Glass, Jr.,)
et al, and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-197

Tract No. 1625M

(Lessor Interest Only)

J U D G M E N T

1.

NOW, on this 16 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 1625M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on

June 1, 1971, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 13.

7.

A pre-trial hearing in this case was set by the Court for March 27, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Mr. W. E. Maddux, Attorney, appeared for the owners of the subject property.

8.

At the said pre-trial conference the parties stated their respective opinions as to the value of the subject interest. Neither party requested a trial. Based upon the pre-trial statements of the parties, the Court concludes that a trial is not necessary or advisable and that the sum of \$170.00 should be adopted as the award of just compensation for the subject interest.

9.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 13.

10.

The defendants named in paragraph 13 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All

other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of June 1, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the lessor interest in the estate taken herein in subject tract were the defendants whose names appear below in paragraph 13, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$170.00 hereby is adopted as the award of just compensation for the lessor interest in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 1625M
(Lessor interest only)

Owners of Lessor Interest:

Julian W. Glass, Jr., Trustee for
Eva Payne Glass, Ernest Frances
Bradfield, & Julian W. Glass, Jr.

Award of just compensation pursuant to Court's findings -----	\$170.00	\$170.00
Deposited as estimated compensation --	60.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$170.00
		Plus
		Interest
Deposit deficiency -----	\$110.00	

14.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency shown in paragraph 13 above, in the total amount of \$110.00, together with interest thereon, computed at the rate of 6% per annum from June 1, 1971, to the date of such payment, and such sum shall be placed in the deposit for the subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse from the deposit for the subject tract as follows:

To - Julian W. Glass, Jr., Trustee for Eva Payne Glass, Ernest Frances Bradfield and Julian W. Glass, Jr., the sum of \$170.00 together with all of the accrued interest included in the aforesaid deficiency deposit.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 17 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
30.00 Acres of Land, More or)
Less, Situate in Nowata County,)
State of Oklahoma, and P.I.C.)
Management Company, Inc., et)
al., and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 70-C-175

Tract No. 818M

(Lessor Interest Only)

J U D G M E N T

1.

NOW, on this 16 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 818M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on

June 4, 1970, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 13.

7.

A pre-trial hearing in this case was set by the Court for March 22, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Mr. H. S. Milam, one of the owners of the subject property appeared. The other owners did not appear in person, nor did any attorney appear for them.

8.

At the said pre-trial conference the parties stated their respective opinions as to the value of the subject interest. Neither party requested a trial. Based upon the pre-trial statements of the parties, the Court concludes that a trial is not necessary or advisable and that the sum of \$510.00 should be adopted as the award of just compensation for the subject interest.

9.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 13.

10.

The defendants named in paragraph 13 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of June 4, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED ADJUDGED and DECREED that on the date of taking in this case, the owners of the lessor interest in the estate taken herein in subject tract were the defendants whose names appear below in paragraph 13,,and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

13.

It is Further ORDERED, ADJUDGED and DECREED that the sum of \$510.00 hereby is adopted as the award of just compensation for the lessor interest in the estate taken in subject tract, and such award is allocated among the various owners as shown by the following schedule:

TRACT NO. 818M
(Lessor interest only)

Owners of lessor interest:

P.I.C. Management Co., Inc. -----	1/2	
H. S. Milam -----	1/6	
Mildred M. Viles -----	1/6	
Mary M. Stevenson -----	1/6	
Award of just compensation pursuant to Court's findings -----	\$510.00	\$510.00
Deposited as estimated compensation --	210.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$510.00 plus interest
Deposit deficiency -----	\$300.00	

14.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency shown in paragraph 13 above, in the total amount of \$300.00, together with interest thereon, computed at the rate of 6% per annum from June 4, 1970 to the date of such payment, and such sum shall be placed in the deposit for the subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse from the deposit for the subject tract certain sums as follows:

To each owner the balance due to him as shown above in paragraph 13, together with each owner's proportionate share of the accrued interest on the deposit deficiency based upon such owner's fractional interest in the subject property.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

APR 17 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
20.70 Acres of Land, More)
or Less, Situate in Rogers)
County, State of Oklahoma,)
and Jay T. Phillips, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 70-C-172

Tract No. 535M

(Lessor Interest Only)

J U D G M E N T

1.

NOW, on this 16 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 535M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on

June 4, 1970, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 13.

7.

A pre-trial hearing in this case was set by the Court for March 22, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Mr. Jay T. Phillips, one of the owners of the subject property appeared. The other owners did not appear in person, nor did any attorney appear for them.

8.

At the said pre-trial conference the parties stated their respective opinions as to the value of the subject interest. Neither party requested a trial. Based upon the pre-trial statements of the parties the Court concludes that a trial is not necessary or advisable and that the sum of \$456.00 should be adopted as the award of just compensation for the subject interest.

9.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 13.

10.

The defendants named in paragraph 13 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of June 4, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the lessor interest in the estate taken herein in subject tract were the defendants whose names appear below in paragraph 13, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$456.00 hereby is adopted as the award of just compensation for the lessor interest in the estate taken in subject tract, and such award is allocated among the various owners as shown by the following schedule:

TRACT NO. 535M
(Lessor Interest Only)

Owners of lessor interest:

Share of total award

Jay T. Phillips ----- 1/4

Heirs of Cecil R. Phillips, deceased,
who are:

Beulah L. Phillips -----	1/12
Virginia Maddux -----	1/24
Billy Fairfield -----	1/24
Ronald Phillips -----	1/24
John Phillips -----	1/24

Heirs of Wilse T. Phillips, deceased,
who are:

Vera Phillips -----	1/12
Donna L. Dixon -----	1/24
Vera Alene Gentry -----	1/24
James E. Phillips -----	1/24
Anita M. Lee -----	1/24

Lillie E. M. Beckwith ----- 1/4

Award of just compensation, pursuant to Court's findings -----	\$456.00	\$456.00
Deposited as estimated compensation	\$124.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$456.00 Plus Interest
Deposit deficiency -----	\$332.00	

14.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency shown in paragraph 13 above, in the total amount of \$332.00, together with interest thereon, computed at the rate of 6% per annum from June 4, 1970, to the date of such payment, and such sum shall be placed in the deposit for the subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse from the deposit for the subject tract certain sums as follows:

To each owner the balance due to him as shown above in paragraph 13, together with each owner's proportionate share of the accrued interest on the deposit deficiency based upon such owners's fractional interest in the subject property.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

APR 17 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,
Plaintiff,

vs.

98.00 Acres of Land, More
or Less, Situate in Nowata
County, State of Oklahoma,
and Violet Rinehart, et al.,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-112

Tract No. 1049M

(Lessor Interest Only)

J U D G M E N T

1.

NOW, on this 16 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 1049M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on

April 13, 1970, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for March 20, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The owners of the subject property did not appear, nor did any attorney appear for them.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$511.00 was the value of the lessor interest in the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, no objection having been made by the owners, such sum should be adopted as the award of just compensation for the lessor interest.

9.

The defendants named in paragraph 11 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract certain sums as follows:

To - Charles B. Rinehart ----- \$255.50

Mary Virginia Fuller ----- \$255.50.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

BILL MORRISON,

Plaintiff,

- vs -

KAN-SUN, INC., a Kansas Corporation,
and TOPEKA METAL SPECIALTIES,
INC., a Kansas Corporation, and HENRY
GERDES,

Defendants.

No. 72-C-202

FILED

APR 16 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This matter coming on before me on the stipulation of dismissal filed
herein, the Court finds:

That the above cause be dismissed with prejudice to filing a new action.

Dated this 16 day of April, 1973.


FRED DAUGHERTY, JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

VIRGINIA D. CHANCE

Plaintiff

vs

TYLER PIPE INDUSTRIES, a
Corporation, and
LARRY LEE DIKE,

Defendants

NO. 72-C-182

CONSOLIDATED

ALLISON CHANCE

Plaintiff

vs

TYLER PIPE INDUSTRIES, a
Corporation, and
LARRY LEE DIKE

Defendants

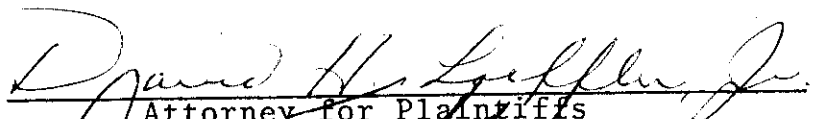
FILED

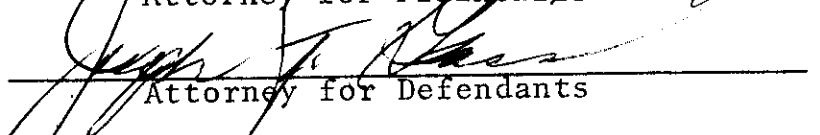
APR 16 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT
NO. 72-C-183

STIPULATION OF DISMISSAL
WITH PREJUDICE

Come now the plaintiffs, through their attorney, David H. Loeffler, Jr., and the defendants, through their attorney, Joseph F. Glass, and stipulate that the above captioned causes of action be dismissed with prejudice to filing a future action herein.



Attorney for Plaintiffs


Attorney for Defendants
ORDER

And now on this 16th day of April, 1973, there came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, stipulation of the parties hereto of dismissal, parties hereto having advised the court that all disputes between the parties have been settled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled cases be and the same are hereby dismissed with prejudice to the right of the plaintiffs to bring any future action arising from said cause of action.


Judge

WS

F I L E D

APR 16 1973

**Jack C. Silver, Clerk
U. S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA and
E. C. TALLEY, Special Agent,
Internal Revenue Service,

Petitioners,

vs.

PAUL R. HODGSON,

Respondent.

No. 73-C-24

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
JUDGMENT**

This cause of action came on for hearing before this Court on a Show Cause Order on the 15th day of February, 1973. E. C. Talley appeared in person and by James H. Jeffries, III, and Nathan Graham, United States District Attorney, appeared for the United States of America. The Respondent, Paul R. Hodgson, appeared in person and by his attorney, James R. Hays. The Court heard the testimony of E. C. Talley and continued the cause until March 6, 1973, with the order that the parties submit additional briefs. On March 6, 1973, the Court heard additional argument and ordered that an in camera inspection be made of Respondent's documents by the Court. The matter was continued until March 8, 1973. The Court at that time made its order concerning the in camera inspection and additionally found that the summons should not be enforced.

NOW, on this 16 day of April, 1973, the Court having carefully considered the entire file, the testimony adduced, the briefs and the oral argument of counsel, and, being fully advised in the premises, enters the following Findings of Fact, Conclusions of Law and Judgment.

FINDINGS OF FACT

1. This is an action brought to enforce an Internal Revenue Summons, pursuant to Title 26 U.S.C.A. §§7402(b) and 7604(a).

2. Title 26 U.S.C.A. §7402(b) provides, in pertinent part, as follows:

"(b) To enforce summons.-If any person is summoned under the Internal revenue laws to appear, to testify, or to produce books, papers, or other data, the district court of the United States for the district in which such person resides or may be found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data."

3. Title 26 U.S.C.A. §7604(a) provides, in pertinent part, as follows:

"(a) Jurisdiction of district court.-If any person is summoned under the Internal revenue laws to appear, to testify, or to produce books, papers, records, or other data, the United States district court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data."

4. Petitioner, E. C. Talley, (hereinafter referred to as "Talley") is a special agent of the Internal Revenue Service, and, is authorized to issue summons, pursuant to the authority of Title 26 U.S.C.A. §7602. Talley's primary duties (TR.-19) are to investigate possible criminal violations of the Internal Revenue Code.

5. Respondent, Paul R. Hodgson, is an attorney at law engaged in the practice of law in Tulsa, Oklahoma. As reflected by the affidavit of Paul R. Hodgson, he has not practiced accounting during any of the period January 1, 1966, through February 5, 1973. (Exhibit "B" attached to Respondent's Answer)

6. He has represented Leroy Dale Hines (hereinafter referred to as "Hines") as an attorney during the years 1966 through 1971, and, does now represent him as such. Respondent neither represented Hines as an accountant, nor did he prepare any tax returns for Hines during the calendar years 1966 through 1971.

7. Talley was assigned to investigate the tax returns of Hines for the years 1967 through 1971. On October 16, 1972, Talley issued a summons to Respondent, directing that he appear before Talley on October 27, 1972, to give testimony relating to the possible tax liability of Hines. Pursuant to the summons, Respondent was directed to bring with him the following documents:

"1. Records of all charges to or in the behalf of LEROY DALE HINES during the years 1966 through 1971, inclusive, for legal fees, advice and/or other services.

"2. Records of all moneys received and/or amounts credited by you for or in the behalf of LEROY DALE HINES for legal fees, advice and/or other services rendered during 1966 through 1971, inclusive. This includes, but is not limited to:

"a. Amounts

"b. Dates of payment

"c. By whom paid or who caused the credit to be made

"d. How the payments or credits were made, i.e., check, currency or other."

8. Respondent appeared before Talley, at the time and place specified, as directed by the summons; however, Respondent refused production of the records sought by Talley, claiming attorney-client privilege. Hines, through his attorney, also asserted the attorney-client privilege. The record reflects that Hines did not then, nor has he since, by and through Respondent, waived the privilege, as disclosed by Exhibit "B" attached to Respondent's Answer.

9. Additionally, Respondent has asserted, at the request of Hines, although not for himself, the Fifth Amendment privilege against self-incrimination. The basis of this alleged privilege is premised on the theory that the requested information might tend to incriminate Hines.

10. The Court twice offered to enforce the summons if the Petitioners would agree that the only purpose for which it would be used was to determine civil tax liability, if any. Twice the offer was rejected by the Petitioners. (TR.-65, 83)

11. Based on the in camera inspection by the Court, the Court concludes that the fees paid Respondent by Hines were strictly fees, as stated in the affidavit of Respondent, who is an officer of this Court; that the fees were so inconsequential that no benefit could be derived from their disclosure to the Government at the present time. (TR.-83)

12. The Court has taken judicial notice of the numerous occasions on which Hines has been before this Court:

- (1) 1966- Alleged violation by Hines of gambling stamp tax laws, Title 26 U.S.C.A. §7206(1) and §4412(a)(2), which was later dismissed.
- (2) 1967- Hines entered a guilty plea to an indictment charging him with a violation of Title 18 U.S.C.A. §1952 and §1953; sentence was a \$10,000 fine and three (3) years probation. The case was numbered CR-14406. At that time, Mr. Ed Joyce, a ranking member of the Justice Department "Task Force", in answer to the Court's question, stated in open Court that the evidence uncovered indicated that Hines was not a member of any organized crime group.
- (3) 1971- Hines acquitted of a conspiracy charge, along with others, because of the insufficiency of the evidence to support a conviction under the law, in case no. 71-CR-48.
- (4) 1971- Defendant, Hines, was acquitted on a gambling charge based on the Court's ruling that since there were no Oklahoma laws against gambling on football games, there could be no violation of the Federal law prohibiting the obtaining of information from without the state. (Case No. 71-CR-47)

- (5) 1972- A default judgment was entered against Hines, at the Government's request, in the amount of \$774,540.71, plus interest, according to law, and costs were awarded by this Court in favor of the United States and against Leroy Dale Hines, covering alleged unpaid gambling excise taxes, penalties and interest for the periods of January, 1964, through June, 1966, and December, 1966; and Income taxes, penalties and interest for the years 1964, 1965 and 1967. The judgment and/or any part of it, remains uncollected.

13. The Court finds that this investigation, in view of the history of prior cases against Hines, could very well be looked upon as a vendetta against Hines. It appears that the sole purpose of the investigation, by Talley's own admission, is to obtain evidence for possible criminal prosecution of Hines because of alleged criminal violation of Internal Revenue laws.

14. In this connection, the Court notes that although the Government obtained the default judgment cited hereinabove on November 28, 1972, a perusal of the file in that case reveals that no execution has ever issued in an attempt to recover assets in sufficient amount to satisfy the judgment. The very fact that no attempt has been made by the Government to satisfy this judgment connotes to this Court that the only purpose of the investigation is for criminal purposes rather than civil and/or criminal purposes.

15. The Court further finds that the Respondent might subject himself to a law suit if he submitted the information and testimony in compliance with the summons and failed to assert the attorney-client privilege.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Court makes the following Conclusions of Law:

1. The Court finds that it has jurisdiction of the subject matter and the parties to this litigation.

2. The Court finds that Federal law governs the question of the assertion of attorney-client privilege. The Court further

finds that the Circuits are somewhat in disagreement as to the question of attorney-client privilege. The Court has found no Tenth Circuit decision squarely in point with the question presented in this litigation. Under the circumstances, it appears to the Court that the better choice of law is to apply Federal law rather than the State law of attorney-client privilege.

3. The Court finds that the records sought by the summons, and, the information contained therein, are protected by the attorney-client privilege. The assertion of privilege in the instant litigation is proper in view of the fact that the charges for legal fees were made as communications and the work product of the attorney and explain the specific and general nature of the services performed. Disclosure of the requested records could expose the general nature of the legal services rendered by the Respondent to Hines.

4. Confidential communications made between an attorney and a client, pursuant to the relationship and concerning the subject matter of the attorney's employment, are generally privileged from disclosure. This rule is for the benefit of the client and it embraces all written and oral communications made between the attorney and client as well as documents entrusted to the attorney by the client, in the course of the business for which the attorney is employed.

5. The legal profession is a noble one. This Court is aware that holding inviolate the confidences and secrets communicated by a client to an attorney not only facilitates the full development of facts essential to proper representation of the client, but also encourages laymen to seek early legal representation. Consequently, the attorney-client privilege should be safeguarded. If this privilege is not protected, where shall one go for advice?

6. It is the essence of the attorney-client privilege that it be limited to communications made in confidence and under circumstances from which it may reasonably be presumed that they will remain in confidence. Thus, it is well established that communications between an attorney and his client, though made privately, are not privileged if it is intended that the information communicated is to be disclosed to others. However, in the instant case, under no circumstances could it be asserted that it was understood by either the attorney, or the client, that the requested information would be communicated to anyone beyond the purview of the protective rule.

7. The United States of America and Talley are endeavoring, in a civil action, to discover possible evidence that might be used in a criminal prosecution. In this connection the Court finds that once the attorney-client privilege attaches, it remains in force, unless waived by the parties. If that privilege is not waived, even if the Government were successful in enforcing their summons in the instant litigation, the information thus obtained, in view of the attorney-client privilege, would be inadmissible in a criminal case. Admission of such evidence would constitute error.

8. The Court is aware of the seriousness of the issue raised regarding the Fifth Amendment privilege against self-incrimination asserted by Hines through his attorney. Furthermore, the Court is also aware of the apparent lack of good faith appearing from the conduct of Petitioners with regard to Hines and that such lack of good faith was condemned in *Donaldson, FKA Sweet v. United States, et al.*, 400 U.S. 517 (1971). However, because the attorney-client privilege is dispositive of the case, it is unnecessary for the Court to determine the questions raised by those issues. Therefore, pursuant to the proper assertion of the attorney-client privilege, the summons should not be enforced.

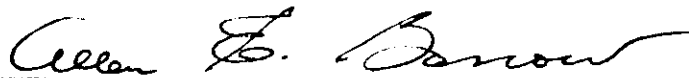
JUDGMENT

Based on the foregoing Findings of Fact and Conclusions
of Law:

IT IS ORDERED that the summons shall not be enforced and
the complaint and cause of action are dismissed.

IT IS FURTHER ORDERED that no party shall recover costs.

ENTERED this 16th day of April, 1973.



CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
70.00 Acres of Land, More or)
Less, Situate in Rogers County,)
State of Oklahoma, and Clyde)
Harlan, et al., and Unknown)
Owners,)
)
Defendants.)

CIVIL ACTION NO. 72-C-462

Tract No. 605M

FILED
APR 16 1973
Jack C. Silver, Clerk
U.S. DISTRICT COURT

J U D G M E N T

NOW, on this 16th day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 605M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on December 27, 1972, the United States of America filed its

Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

A pre-trial hearing in this case was set by the Court for April 16, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The owners of the subject property did not appear, nor did any attorney appear for them.

8.

At said pre-trial conference the Plaintiff offered, and the Court admitted, as Plaintiff's Exhibit No. 1, a written appraisal report prepared by Mr. Gordon Romine, a petroleum engineer. Such report indicates that the market value of the subject property was \$35.00, and, no objection having been made by the owners, such sum should be adopted as the award of just compensation for the property taken in this case.

9.

The defendants named in paragraph 12 as owners of the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of December 27, 1972, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tract were the defendants whose names appear below in paragraph 12 and the right to receive the just compensation awarded by this judgment is vested in the parties so named. Such owners are wholly in default of any appearance in this case.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$35.00 hereby is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 605M

Owners:

Clyte Harlan and
Mabel Harlan

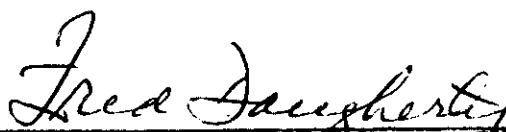
Award of just compensation		
pursuant to Court's findings ----	\$35.00	\$35.00
Deposited as estimated compensation --	<u>35.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$35.00

13.

It Is Further ORDERED that the Clerk of this Court now shall disburse the deposit in this case as follows:

To Clyte Harlan and Mabel Harlan, jointly, the sum of \$35.00.

APPROVED:


UNITED STATES DISTRICT JUDGE


HUBERT A. MARLOW
Assistant United States Attorney

LRH:pm
3-28-73

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

ALPHA VETERINARY SUPPLY, INC.,
Plaintiff,
vs.
AMERICAN HOECHST CORPORATION,
Defendant.

No. 71-C-96

FILED

APR 13 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER FOR DISMISSAL WITH PREJUDICE OF PLAINTIFF'S
CAUSE AND ORDER FOR RELEASE AND SATISFACTION OF DEFENDANT'S
JUDGMENT AGAINST PLAINTIFF ON CROSS-PETITION

NOW, on this 12 day of April, 1973, upon the joint written
application of the parties and for good cause shown:

IT IS BY THE COURT ORDERED that the plaintiff's action be and the
same is hereby dismissed with prejudice without cost to either party, and

IT IS BY THE COURT ORDERED that the judgment of American Hoechst
Corporation on its Cross-Petition granted herein on the 23 day of February
1973, be and the same is hereby released and satisfied.

Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

UNGERMAN, GRABEL & UNGERMAN

By [Signature]

Attorneys for Plaintiff

[Signature]
Bencie Williams

Co-Attorney for Plaintiff

[Signature]
R. Dobie Langenkamp,
Attorney for Defendant

LRH:pm
3-28-73

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

ALPHA VETERINARY SUPPLY, INC.,
Plaintiff,
vs.
AMERICAN HOECHST CORPORATION,
Defendant.

No. 71-C-96

FILED
APR 11 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOINT APPLICATION FOR ORDER DISMISSING
PLAINTIFF'S CAUSE OF ACTION AND FOR ORDER OF RELEASE
AND SATISFACTION OF DEFENDANT'S JUDGMENT ON CROSS-PETITION

COMES NOW the above-named parties to this action and jointly apply to the Court for an order discontinuing and dismissing with prejudice the plaintiff's above-styled action without cost to either party.

Further, the parties to this action jointly apply to the Court for an Order of Release and Satisfaction of Defendant's Judgment on Cross-Petition against this plaintiff heretofore granted by the Court on the 23 day of February, 1973.

UNGERMAN, GRABEL & UNGERMAN

By

[Signature]
Attorneys for Plaintiff

[Signature]
Bencie Williams

Co-Attorney for Plaintiff

[Signature]
R. Dobie Langenkamp,
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

THE UNITED STATES OF AMERICA,
for the use of STAR ELECTRIC SUPPLY
COMPANY

Plaintiff

-vs-

HEMPHILL CORPORATION, a Corporation,
and UNITED STATES FIDELITY AND
GUARANTY COMPANY, a Corporation,

Defendants,

-vs-

T K INTERNATIONAL, INC., W. C.
Klintworth; and R. G. Todd,

Intervenors

FILED

APR 13 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT


No. 72-C-262

ORDER

NOW on this 13 day of April, 1973, upon the
Application of the Plaintiff to dismiss said cause and withdraw
funds, and the Court finding that the parties thereto have all
agreed to a settlement of said action, and payments are to be
made in accordance with said proposed settlement.

NOW THEREFORE, it is hereby ORDERED that the Plaintiff,
Star Electric Supply Company be permitted to withdraw from the
Clerk of the Court the sum of \$759.11 heretofore tendered by the
Defendants to the Clerk of the Court, and the Clerk of the Court
is ORDERED to issue its voucher for said aforementioned sum.

IT IS FURTHER ORDERED, that Star Electric Supply
Company, Plaintiff herein, be and it is authorized to dismiss said
action with prejudice to a future action and said dismissal is
hereby approved.


Judge of the United States
District Court.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE UNITED STATES OF AMERICA, for)
the use of STAR ELECTRIC SUPPLY)
COMPANY)
Plaintiff)

-vs-)

HEMPHILL CORPORATION, a Corporation,)
and UNITED STATES FIDELITY AND)
GUARANTY COMPANY, a Corporation)
Defendants)

No. 72-C-262

-vs-)

T K INTERNATIONAL, INC.; W. C.)
Klintworth; and R. G. Todd,)
Intervenors)

FILED

APR 16 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff and hereby dismisses the
above cause, with prejudice.

Dated this 11th day of April, 1973.

James G. Shaw
Attorney for Plaintiff

ORDER

Permission to file Dismissal With Prejudice in the
above styled matter is granted this 16th day of April, 1973.

James G. Shaw
United States District Judge

DYER, POWERS & MARSH,

1501 Fourth National Bank Bldg.,

Tulsa, Oklahoma 74119 (918) 587-0141

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Petitioner,

vs.

Kyle Daily Nichols,

Patient.

73 - C - 115

Civil No. _____

FILED

APR 12 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient has been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793); and the Court having determined that there is reasonable cause to believe that the patient is a narcotic addict, and that there are not any appropriate State or other facilities available for his treatment pursuant to said law, ~~it is hereby~~

The Court finds ~~ORDERED~~ should that the patient be committed to the custody of the Surgeon General for examination under Title 42 U.S.C. Section 3413 (Title III, Section 303, Public Law 89-793), to determine whether or not he is a narcotic addict who is likely to be rehabilitated. The written report required of each examining physician shall be filed with the Court and copies thereof furnished to the patient, not later than twenty (20) days after the patient is received at the facility hereinafter designated, and the patient shall be detained for an additional period of ten (10) days at the institution, pending further order of the Court. Provided, however, in the event both examining physicians conclude in their respective written reports that the patient is a narcotic addict who is likely to be rehabilitated through treatment, and, if the patient by written instrument filed with the Court along with, and at the same time as the reports of the examining physicians, waives any right he may have to notice and hearing on the issue as to whether or not he is a narcotic addict who is likely to be rehabilitated through treatment, and requests that he be forthwith committed to the care and custody of the Surgeon General for treatment in a hospital of the Service, rather than be returned to this Court for further proceedings, he shall be detained at said institution for a reasonable time after the expiration of thirty (30) days from the date he is received at said facility, pending further order of the Court.

recommended
It Is Further ~~ORDERED~~ that the patient shall be transported to the National Institute Mental Health Clinical Research Center, at Lexington, Kentucky, by the United States Marshal, within such time as the U. S. Marshal may be able to transport said patient.

Signed this 12th day of April, 19 73.

UNITED STATES DISTRICT COURT
MAGISTRATE

Findings and recommendations of the Magistrate reviewed and approved this 12th day of April, 1973.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

(APR 12 1973)

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
20.00 Acres of Land, More)
or Less, Situate in Nowata)
County, State of Oklahoma,)
and Ralph L. Hall, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 70-C-108
Tract No. 836M
(overriding Royalty Interest
Only)

J U D G M E N T

1.

NOW, on this 11 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the overriding royalty interest in the estate condemned in Tract No. 836M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the

right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on April 13, 1970, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the overriding royalty interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

A pre-trial hearing in this case was set by the Court for March 20, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Hugh Conine, one of the owners of subject interest, appeared in person. No other defendants appeared either in person or by attorney.

8.

At the said pre-trial conference the parties stated their respective opinions as to value of the subject interest. Neither party requested a trial. Based upon the pre-trial statements of the parties the Court concludes that a trial is not necessary or advisable and that the sum of \$120.00 should be adopted as the award of just compensation for the subject interest.

9.

The defendants named in paragraph 12 as owners of the overriding royalty interest in the estate taken in the subject tract are the only defendants asserting any interest in such interest. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

This judgment will create a deficiency between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for the taking of subject property, and a sum of money sufficient to cover such deficiency should be deposited by the Government. Such deficiency is set out below in paragraph 12.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and the overriding royalty interest in such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of April 13, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$120.00 hereby is adopted as the award of just compensation for the overriding royalty interest in the estate herein taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 836M

(Overriding royalty interest only)

Owners, ORRI:

Hugh Conine and Mary Louise Conine

Award of just compensation for ORRI ----	\$120.00	\$120.00
Deposited as estimated compensation for ORRI -----	11.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$120.00
Deposit deficiency -----	\$109.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court, for the benefit of the owners, the deposit deficiency for subject interest, in the sum of \$109.00, together with interest thereon, computed at the rate of 6% per annum from April 13, 1970, to the date of such payment.

14.

It Is Further ORDERED that when the deposit deficiency has been paid into Court the Clerk shall credit such payment to this action and then shall disburse from such deposit, to Hugh Conine and Mary Louise Conine, jointly, the sum of \$120.00, plus all accrued interest included in the aforesaid deficiency deposit.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF
OKLAHOMA

DON THORNTON FORD, INC.,
an Oklahoma Corporation,

Plaintiff

-vs-

HEMPHILL CORPORATION, an
Oklahoma Corporation, T-K
INTERNATIONAL, INC., An
Oklahoma Corporation, R. G.
Todd, individually, W. C.
KLINTWORTH, individually, and
UNITED STATES FIDELITY &
GUARANTY COMPANY, INC.,

Defendants

No. 72-C-392

FILED

APR 12 1973

**Jack C. Silver, Clerk
U. S. DISTRICT COURT**

ORDER OF DISMISSAL

THIS MATTER coming on before me the undersigned Judge of
the District Court, upon the oral application of the Plaintiff,
for an Order of Dismissal with Prejudice, and the Court being
sufficiently advised, finds and it is

ORDERED, ADJUDGED AND DECREED by the Court that the above
captioned matter be and it is dismissed with prejudice.


U. S. District Judge

APPROVED:

DON THORNTON FORD INC.,

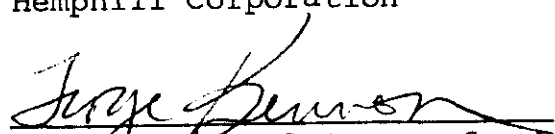
by 

D. W. Jacobus, Jr., Attorney for Plf.

DYER, POWERS & MARSH

by 

Thomas G. Marsh, Attorney for
Hemphill Corporation


Troye Kennon, Attorney for Defts:
T-K International, Inc.,
R. G. Todd Individually,
W. C. Klintworth, Individually,
United States Fidelity & Guaranty
Company Inc.,

IN THE UNITED STATES DISTRICT COURT FOR THE **F I L E**
NORTHERN DISTRICT OF OKLAHOMA

APR 11 1973

MEA MUTUAL INSURANCE COMPANY,

Plaintiff,

vs.

VICKIE BROOKS, et al.,

Defendants.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

71-C-8

ORDER OVERRULING MOTION FOR NEW TRIAL AND
TO AMEND JUDGMENT

The Court has for consideration the Motion for New Trial and to Amend Judgment filed by Western Casualty & Surety Company, Dennis Ellsworth, and J. W. Ellsworth, the briefs on file, and being fully advised in the premises, finds:

That said Motion should be overruled.

IT IS, THEREFORE, ORDERED that the Motion for New Trial and to Amend Judgment filed by Western Casualty & Surety Company, Dennis Ellsworth and J. W. Ellsworth, be and the same is hereby overruled.

ENTERED this 11 day of April, 1973.



CLERK, UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

RACHEL GRAYSON, a minor,
who sues by CLIFFORD GRAYSON,
as next friend,

Plaintiff,

-vs-

MICHAEL J. SCHNEIDER,

Defendant.

No. 72-C-322

FILED

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF DISMISSAL WITH PREJUDICE

WHEREAS, the parties have stipulated that all questions and issues existing between the parties have been fully and completely disposed of by settlement, and have requested the entrance of a judgment of dismissal with prejudice,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the cause should be and the same is hereby dismissed with prejudice and the matter fully, finally and completely disposed of hereby.

Dated this 7 day of April March, 1973.

[Signature]
UNITED STATES DISTRICT JUDGE

APPROVED:

[Signature]
JACK MANER,
Attorney for Plaintiff.

[Signature]
RICHARD CARPENTER,
Attorney for Defendant.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
KENNETH N. MITCHELL, et al.,)
)
Defendants.)

Civil Action No. 73-0 35

FILED

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10th day
of April, 1973, the plaintiff appearing by Robert P. Santee, Assis
United States Attorney, and the defendants, Kenneth N. Mitchell
and Diane L. Mitchell, appearing not.

The Court being fully advised and having examined the file
herein finds that personal service of Summons and Complaint was made
on defendants, Kenneth N. Mitchell, Diane L. Mitchell, and Sears,
Roebuck and Company, as reflected by the Marshal's Returns of Service
herein; that the debt owing to Sears, Roebuck and Company was dis-
charged in bankruptcy; that Sears, Roebuck and Company has executed
and mailed to the Tulsa County Clerk a termination of the Financing
Statement listed in the Complaint, and

It appearing that the defendants, Kenneth N. Mitchell and
Diane L. Mitchell, have failed to answer herein and that default
has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon
a mortgage note and foreclosure on a real property mortgage securing
said mortgage note and that the following described real property
is located in Tulsa County, Oklahoma, within the Northern Judicial
District of Oklahoma:

Lot One (1), in Block One (1), NORTHGATE THIRD
ADDITION to the City of Tulsa, Tulsa County,
Oklahoma, according to the recorded plat thereof.

The Court finds that the material allegations of plaintiff's
Complaint are true and correct, and

THAT the defendants, Kenneth N. Mitchell and Diane L.

Mitchell, id, on September 2, 1969, execute and deliver to Diversified Mortgage and Investment Company, their mortgage and mortgage note in the sum of \$13,200.00 with 7 1/2 per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

That subsequent thereto by Assignment of Mortgage of Real Estate, dated September 17, 1969, Diversified Mortgage and Investment Company assigned said mortgage note and mortgage to the Federal National Mortgage Association, which Association, on November 2, 1971 assigned said mortgage note and mortgage to the Secretary of Housing and Urban Development, Washington, D. C.

The Court further finds that the defendants, Kenneth N. Mitchell and Diane L. Mitchell, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$13,658.24 as unpaid principal, with interest thereon at the rate of 7 1/2 per cent interest per annum from June 1, 1972, until paid, plus the cost of this action accrued and accruing, plus any additional sums advanced or expended during this foreclosure action for taxes, insurance, abstracting or sums for the preservation of subject property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Kenneth N. Mitchell and Diane L. Mitchell, for the sum of \$13,658.24 with interest thereon at the rate of 7 1/2 per cent per annum from June 1 1972, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment

herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

Luther Bohannon
United States District Judge

APPROVED.

Robert P. Santee
ROBERT P. SANTEE
Assistant United States Attorney

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JO ANN MILLER, an individual,)
and as mother and next of kin)
of BETTY JANE MILLER, and)
DEBRA KAY MILLER, minors, and)
JO ANN MILLER, as executrix of)
the estate of JOEL DAVID)
MILLER,)

Plaintiffs,)

vs.)

D. H. McJUNKIN PRODUCE CO. INC.,)
A corporation, EASTER'S AND)
SHIPPER'S CO. of NEW YORK, a)
corporation; and BILLY GEORGE)
HIGGS, an individual, TRANSCOLD)
EXPRESS CO. INC., a corporation,)
AMERICAN CASUALTY CO., of Reading,)
Pennsylvania, a corporation,)

Defendants.)

NO. 72-C-383

FILED

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 11 day of April, 1973, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and Cross-Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and Cross-Complaint and have requested the Court to dismiss said Complaint and Cross-Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint and Cross-Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and Cross-Complaint and all causes of action of the plaintiffs filed herein against the defendants be and the same hereby is dismissed with prejudice to any future action.

JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

OLIVER & EVANS

By: *Larry Sullivan*

Attorney for the Plaintiffs

ALFRED B. KNIGHT & THOMAS D. BURKE

By: *Alfred B. Knight*

Attorney for the Defendants,
D. H. McJunkin Produce Co., Inc., a
corporation, Banker's & Shipper's Co.
of New York, a corporation; and Billy
George Higgs, an individual

RUCKER, TABOR, McBRIDE & HOPKINS

By: *Donald G. Hopkins*

Attorney for the Defendants,
Transcold Express Co., Inc., a
corporation, American Casualty
Co., of Reading, Pennsylvania,
a corporation

JESSIE JAMES HAYNES,
Petitioner,
vs.
STATE OF OKLAHOMA,
Respondent.

FILED
APR 11 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

THE COURT, having examined the files herein and the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

- IT IS, THEREFORE, ORDERED:

4. That a copy of this Order be mailed by the Clerk of this Court to the respondent by mailing the same to the Attorney General of the State of Oklahoma, together with a copy of the Initial Report of the United States Magistrate.

CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JESSIE JAMES HAYNES,)
)
 Petitioner,)
)
 vs.)
)
 AUTHORITIES IN AND FOR THE)
 STATE OF OKLAHOMA,)
)
 Respondents.)

72-C-380

FILED

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files herein and the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. That the Court lacks jurisdiction of this matter under the provisions of U.S.C. Title 28 § 1332.

2. The court further finds that under the provisions of Rule 42 of Federal Rules of Civil Procedure, respondent's application to consolidate should be denied.

IT IS, THEREFORE, ORDERED:

1. That this case is dismissed for lack of jurisdiction under the provisions of U.S.C. Title 28 § 1332.

2. That respondent's motion for consolidation is denied.

3. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate.

4. That a copy of this Order be mailed by the Clerk of this Court to the respondent by mailing the same to the Attorney General of the State of Oklahoma, together with a copy of the Initial Report of the United States Magistrate.

Dated this 11th day of April, 1973.

Charles E. Silver
CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JESSIE JAMES HAYNES,)
)
 Petitioner,)
)
 vs.)
)
 STATE OF OKLAHOMA, ET AL,)
)
 Respondents.)

72-C-449 **FILED**

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files herein and the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. The petition herein does not contain any federal habeas corpus allegation nor does it state facts which would require or justify an evidentiary hearing.


2. The prayer for relief as stated in petition is without merit and does not comply with the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

3. That respondent's application to consolidate does not comply with the provisions of Rule 42 of the Federal Rules of Civil Procedure.

IT IS, THEREFORE, ORDERED:

1. The case is dismissed.
2. Respondent's motion for consolidation is denied.
3. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate.
4. That a copy of this Order be mailed by the Clerk of this Court to the respondent by mailing the same to the Attorney General of the State of Oklahoma, together with a copy of the Initial Report of the United States Magistrate.

Dated this 11th day of April, 1973.



CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JESSIE JAMES HAYNES,)
)
Plaintiff,)
)
vs.)
)
PHILLIPS BRECKINRIDGE,)
)
Defendant.)

73-C-77 **FILED**
APR 11 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files herein and the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. That the Court lacks jurisdiction of this matter under the provisions of U.S.C. Title 28 § 1332.

2. The motion to dismiss of defendant should be sustained.


IT IS, THEREFORE, ORDERED:

1. That defendants motion to dismiss is sustained and the case is dismissed for lack of jurisdiction under the provisions of U.S.C. Title 28, § 1332.

2. That a copy of this Order be mailed by the Clerk of this Court to the plaintiff together with a copy of the Initial Report of the United States Magistrate.

3. That a copy of this Order be mailed by the Clerk of this Court to the defendant together with a copy of the Initial Report of the United States Magistrate.

Dated this 11th day of April, 1973.



CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNION OIL COMPANY OF CALIFORNIA,
a corporation,

Plaintiff,

vs.

L. B. JACKSON COMPANY, a corpora-
tion,

Defendant.)

Case No. 72-C-55

FILED

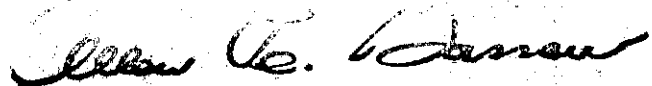
APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW this 11 day of April, 1973, a Stipulation for Dismissal having been executed by all parties who have appeared in this action pursuant to Rule 41 of the Federal Rules of Civil Procedure and said Stipulation having been filed of record in the above entitled cause;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the cause of action set forth in the Complaint and cause of action set forth in the Cross Complaint be and they are hereby dismissed with prejudice to further cause of action. Each of the parties are to bear the respective costs incurred including attorney fees.

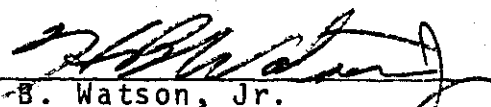


Allen E. Barrow, United States Judge
for the Northern District of Oklahoma

APPROVED AS TO FORM:

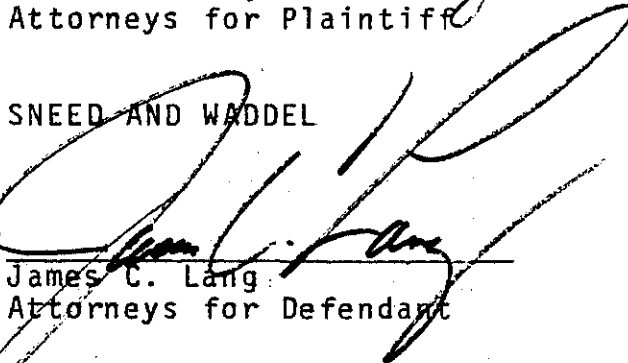
WATSON, MCKENZIE & KIMBALL

BY


H. B. Watson, Jr.
Attorneys for Plaintiff

SNEED AND WADDEL

BY


James C. Lang
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

HIGHLAND PARK ASSOCIATION, INC.,)
)
Plaintiff,)
)
vs.) Civil No. 71-C-138
)
UNITED STATES OF AMERICA,)
)
Defendant.)

FILED

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

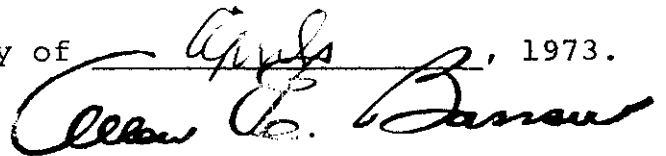
ORDER DISMISSING

The Court has for consideration the Stipulation of Dismissal signed by all parties to this litigation, and, being fully advised in the premises, finds:

That said cause of action and complaint should be dismissed with prejudice, each party to bear its own costs.

IT IS THEREFORE ORDERED that the cause of action and complaint be and the same is hereby dismissed.

ENTERED this 11 day of April, 1973.



UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JESSIE JAMES HAYNES,)
)
Plaintiff,)
)
vs.)
)
ROBERT D. SIMMS,)
)
Defendant.)

73-C-49

FILED

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files herein and the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. That the Court lacks jurisdiction of this matter under the provisions of U.S.C. Title 28 § 1332.
2. The Court further finds that under the provisions of Rule 42 of Federal Rules of Civil Procedure, defendant's application to consolidate should be denied.

IT IS, THEREFORE, ORDERED:

1. That his case is dismissed for lack of jurisdiction under the provisions of U.S.C. Title 28 § 1332.
2. That defendant's motion for consolidation is denied.
3. That copy of this Order be mailed by the Clerk of this Court to the plaintiff together with a copy of the Initial Report of the United States Magistrate.
4. That a copy of this Order be mailed by the Clerk of this Court to the defendant by mailing the same to the Attorney General of the State of Oklahoma, together with a copy of the Initial Report of the United States Magistrate.

Dated this 11th day of April, 1973.

CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 11 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JESUS ERASMO-MUNOZ,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

NO. 73-C-92

O R D E R

The Court has for consideration the Motion pursuant to 28 U.S.C. § 2255 of Jesus Erasmo-Munoz alleging incompetency of counsel because of said counsel's failure to seek the Court's leniency at sentencing of the defendant.

The Court finds that the Court was fully apprised by the pre-sentence report regarding the defendant, known to the defendant and his attorney. The Court further finds, upon clear recollection of the proceedings challenged, that the defense attorney was in no way incompetent or ineffective, and that the § 2255 motion should be overruled without response or hearing.

IT IS, THEREFORE, ORDERED that the § 2255 motion of Jesus Erasmo-Munoz be and it is hereby overruled and the cause is denied and dismissed.

Dated this 11th day of April, 1973, at Tulsa, Oklahoma.

CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 71-C-232
)	
vs.)	
	)	Tract No. 2001ME
1,068.96 ACRES OF LAND, MORE OR)	
LESS, SITUATE IN OSAGE AND KAY)	
COUNTIES, STATE OF OKLAHOMA;)	
AND OSAGE TRIBE OF INDIANS,)	
ET AL., AND UNKNOWN OWNERS,)	
)	
Defendants.)	

JUDGMENT OF REVESTMENT
AND
ORDER OF DISMISSAL

On this 10 day of April, 1973, there came on to be heard the Stipulation for Revestment of Title and Joint Motion for Dismissal of the Plaintiff, United States of America, and the Defendant, Osage Tribe of Indians and the Court finds that:

1. This action was instituted by Plaintiff filing a Complaint and Declaration of Taking on June 23, 1971, and simultaneously therewith depositing \$19,135.00 in the Registry of the Court as estimated compensation for the estate taken as described in said Complaint; therefore, title to said estate vested in Plaintiff as of June 23, 1971.

2. This Court entered an Order of Possession on June 25, 1971, giving Plaintiff possession of said estate.

3. The entire estate taken by this action was owned by The Osage Tribe of Indians on the date of taking which was June 23, 1971.

4. This action was filed prematurely for the reasons set forth in the Stipulation of the Parties and title to the entire estate taken should be revested in the Osage Tribe of Indians and the Order of Possession previously entered herein should be vacated.

5. The \$19,135.00 deposited in the Registry of this Court by Plaintiff should be returned to the Treasurer of the United States of America.

6. This Civil Action should be dismissed without prejudice to Plaintiff filing it again in the future.

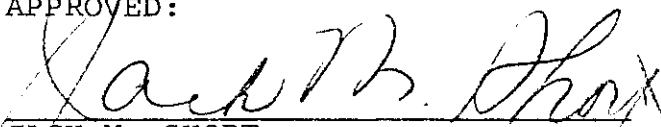
The Court is of the opinion that Judgment should be entered upon said Stipulation for Revestment of Title and the Joint Motion of the parties to dismiss this action should be granted.

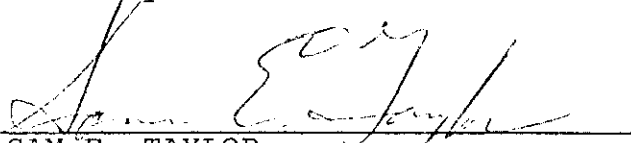
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Order of Possession entered herein on June 25, 1971, be and it is hereby vacated; that title to the entire estate taken by Plaintiff herein be and it is hereby revested in Defendant, the Osage Tribe of Indians; that Plaintiff be and is hereby held harmless for any damages suffered by Defendant in connection with or arising out of Plaintiff's ownership or possession of the property described herein from June 23, 1971 to the date of the filing of this Judgment; and, that the Clerk of this Court is hereby ordered to return the \$19,135.00 deposited in the Registry of this Court by Plaintiff as estimated compensation for the estate taken herein to the Treasurer of the United States of America.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that this Civil Action be and it is hereby dismissed without prejudice to Plaintiff filing it again in the future.


UNITED STATES DISTRICT JUDGE

APPROVED:


JACK M. SHORT
Assistant United States Attorney
Attorney for Plaintiff


SAM E. TAYLOR
Office of the Regional Solicitor
Attorney for Defendant.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 70-C-109
)	
20.00 Acres of Land, More	)	Tract No. 838M
or Less, Situate in Nowata)	
County, State of Oklahoma,	)	(Lessor Interest Only)
and E. C. Lawson, et al.,)	
and Unknown Owners,)	
)	
Defendants.)	

J U D G M E N T

1.

NOW, on this 9 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 838M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on

April 13, 1970, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for March 20, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The owners of the subject property did not appear, nor did any attorney appear for them.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$120.00 was the value of the lessor interest in the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, no objection having been made by the owners, such sum should be adopted as the award of just compensation for the lessor interest.

9.

The defendants named in paragraph 11 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of April 13, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$120.00 hereby is adopted as the award of just compensation for the lessor interest in the estate herein taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 838M

(Lessor Interest Only)

Owners of lessor interest:

Lawson Petroleum Company -----	1/8
Edward Campbell Lawson, Jr. -----	7/32
Eugene Kistler Lawson -----	7/32
Alice Kistler Willard -----	7/32
Patricia Lawson Gow -----	7/32

Award of just compensation for lessor interest pursuant to Court's findings -----	\$120.00	\$120.00
Deposited as estimated compen- sation for lessor interest -----	<u>\$120.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$120.00

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract certain sums as follows:

Lawson Petroleum Company -----	\$15.00
Edward Campbell Lawson, Jr. -----	\$26.25
Eugene Kistler Lawson -----	\$26.25
Alice Kistler Willard -----	\$26.25
Patricia Lawson Gow -----	\$26.25

S/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

S/ Hubert A. Marlow

HUBERT A. MARLOW

Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 70-C-108
)	
20.00 Acres of Land, More	)	Tract No. 836M
or Less, Situate in Nowata)	
County, State of Oklahoma,	)	(Lessor Interest Only)
and Ralph L. Hall, et al.,)	
and Unknown Owners,)	
)	
Defendants.)	

APR 12 1973

Jack G. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 9 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 836M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on

April 13, 1970, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for March 20, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The owners of the subject property did not appear, nor did any attorney appear for them.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$120.00 was the value of the lessor interest in the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, no objection having been made by the owners, such sum should be adopted as the award of just compensation for the lessor interest.

9.

The defendants named in paragraph 11 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of April 13, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$120.00 hereby is adopted as the award of just compensation for the lessor interest in the estate herein taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 836M
(Lessor interest only)

Owners of lessor interest:

Ralph L. Hall ----- life estate and 1/3 remainder
Glen C. Hall)
Dean A. Hall)
Erna Burt)----- 2/3 remainder
Ione Fabro)
Louis Rodeck)

Note: As owner of the life estate, Ralph L. Hall is entitled to receive the full award for this interest.

Award of just compensation for lessor interest pursuant to Court's findings -----	\$120.00	\$120.00
Deposited as estimated compen- sation for lessor interest -----	<u>\$120.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to Ralph L. Hall -----		\$120.00

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract as follows;

To - Ralph L. Hall ----- \$120.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 70-C-114
)	
20.00 Acres of Land, More	)	Tract No. 1133M
or Less, Situate in Nowata)	
County, State of Oklahoma,	)	(Lessor Interest Only)
and Florence Hutchison, et)	
al., and Unknown Owners,)	
)	
Defendants.)	

FILED

(APR 9 1973)

J U D G M E N T

Jack C. Silver, Clerk
U. S. DISTRICT COURT

1.

NOW, on this 9 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 1133M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on

April 13, 1970, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for March 20, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The owners of the subject property did not appear, nor did any attorney appear for them.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$305.00 was the value of the lessor interest in the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, no objection having been made by the owners, such sum should be adopted as the award of just compensation for the lessor interest.

9.

The defendants named in paragraph 11 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of April 13, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$305.00 hereby is adopted as the award of just compensation for the lessor interest in the estate herein taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 1133M
(Lessor interest only)

Owners of lessor interest:

Florence Hutchison -----	5/16
O. C. Hutchison -----	5/16
Leora B. Thomas -----	5/16
DuWayne Hutchison -----	1/32
Glen Hutchison -----	1/32

Award of just compensation for lessor interest, pursuant to Court's findings -----	\$305.00	\$305.00
--	----------	----------

Deposited as estimated compen- sation for lessor interest -----	<u>\$305.00</u>
--	-----------------

Disbursed to owners -----	<u>None</u>
---------------------------	-------------

Balance due to owners -----	\$305.00
-----------------------------	----------

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract certain sums as follows:

To - Florence Hutchison -----	\$95.31
O. C. Hutchison -----	\$95.31
Leora B. Thomas -----	\$95.31
DuWayne Hutchison -----	\$9.54

13.

It Is Further ORDERED that the share of the award due to Glen Hutchison shall not be disbursed at the present time because the address of said defendant is now unknown. When said defendant is located the Court will enter an appropriate order of disbursal in the amount of \$9.53.

In the event that the balance due to such defendant remains on deposit for a period of five years from the date of filing this Judgment, then, after that period, the Clerk of this Court, without further order shall disburse the balance on deposit for the lessor interest in the subject tract to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/S/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
	)	CIVIL ACTION NO. 71-C-190
vs.)	
	)	Tract No. 1611M
10.00 Acres of Land, More)	
or Less, Situate in Nowata	)	(1/2 of Lessor Interest Only)
County, State of Oklahoma,)	
and Thomas K. Allen, et al.,)	
and Unknown Owners,)	
)	
Defendants.)	

FILED

APR 9 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 9 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to 1/2 of the lessor interest only in the estate condemned in Tract No. 1611M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause, who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on June 1, 1971, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated

compensation for 1/2 of the lessor interest only in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for March 27, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. James W. Allen and Thomas K. Allen appeared in person. No other defendants appeared either in person or by attorney.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$30.00 was the value of 1/2 of the lessor interest only in the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, the owners who appeared at the pre-trial are willing to accept such sum as compensation. Therefore, such sum should be adopted as the award of just compensation for subject interest.

9.

The defendants named in paragraph 11 as owners of 1/2 of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and 1/2 of the lessor interest in such property, to the extent of the estate described in the Complaint, is condemned, and title thereto is vested in the United States of America, as of June 1, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment

is vested in the parties so named. The sum of \$30.00 hereby is adopted as the award of just compensation for 1/2 of the lessor interest in the estate herein taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 1611M
(1/2 of Lessor Interest Only)

Owners:

James William Allen -----	1/2	
Thomas Kinsworth Allen -----	1/2	
Award of just compensation -----	\$30.00	\$30.00
Deposited as estimated compensation --	<u>\$30.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$30.00

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract as follows:

To - James William Allen -----	\$15.00
Thomas Kinsworth Allen -----	\$15.00

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
vs.	)	CIVIL ACTION NO. 71-C-205
)	
38.61 Acres of Land, More	)	Tract No. 1708M
or Less, Situate in Nowata)	
County, State of Oklahoma,	)	(1/2 of Lessor Interest Only)
and James William Allen,)	
et al, and Unknown Owners,)	
)	
Defendants.)	

FILED

APR 9 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 9 day of April, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to 1/2 of the lessor interest only in the estate condemned in Tract No. 1708M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause, who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on June 1, 1971, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated

compensation for 1/2 of the lessor interest only in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for March 27, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. James W. Allen and Thomas K. Allen appeared in person. No other defendants appeared either in person or by attorney.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$231.50 was the value of 1/2 of the lessor interest in the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, the owners who appeared at the pre-trial are willing to accept such sum as compensation. Therefore, such sum should be adopted as the award of just compensation for subject interest.

9.

The defendants named in paragraph 11 as owners of 1/2 of the lessor interest only in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and 1/2 of the lessor interest in such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of June 1, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment

is vested in the parties so named. The sum of \$231.50 hereby is adopted as the award of just compensation for 1/2 of the lessor interest in the estate herein taken in the subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 1708M
(1/2 of Lessor Interest Only)

Owners:

James William Allen -----	1/2	
Thomas Kinsworth Allen -----	1/2	
Award of just compensation -----	\$231.50	\$231.50
Deposited as estimated compensation -----	<u>\$231.50</u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$231.50

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse the deposit for the subject tract as follows:

To - James William Allen -----	\$115.75
Thomas Kinsworth Allen -----	\$115.75

J. Allen & Burrow
UNITED STATES DISTRICT JUDGE

APPROVED:

J. Hubert A. Marlow
HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES D. HODGSON, Secretary of Labor,)
United States Department of Labor,)
Plaintiff) Civil Action
v.) No. 72-C-173
JANDEBEUR'S MOTOR COMPANY, INC., a)
corporation, doing business as)
JANDEBEUR'S MOTORCYCLES, and)
DOUGLAS B. JANDEBEUR, an individual,)
Defendants)

FILED
APR 9 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT

The defendants having agreed to the entry of this judgment without contest it is on motion of plaintiff and for cause shown:

ORDERED. ADJUDGED and DECREED that defendants, their officers, agents, servants, employees, and all other persons acting or claiming to act in their behalf and interest be, and they hereby are, permanently enjoined from violating the provisions of sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, (29 U.S.C. 201, et seq.) hereinafter referred to as the Act, in any of the following manners:

I

Defendants shall not, contrary to sections 6 and 15(a)(2) of the Act, employ any employee in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, at rates of pay less than the rates specified in section 6 of the Act.

II

Defendants shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any employee in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of such hours at a rate not less than one and one-half times the regular rate at which he is employed.

III

Defendants shall not, contrary to sections 11(c) and 15(a)(5) of the Act, fail to make, keep and preserve adequate and accurate records of the persons employed by them and of the wages, hours, and other conditions and practices of employment maintained by them, as prescribed by regulations issued by the Administrator of the Employment Standards Administration, United States Department of Labor (29 U.S.C., Part 516).

Defendants have paid minimum wage and overtime compensation in the total amount of \$2687.16 which the parties agree, and the court so finds, is due under the Act to defendants' employees named in Exhibit A attached hereto in the amounts indicated.

ORDERED that plaintiff shall promptly proceed to make distribution of such unpaid wages in appropriate shares to those persons named in said judgment or to the legal representative of any deceased person so named. If after making reasonable and diligent efforts to disburse said unpaid wages

to the persons entitled thereto, plaintiff is unable to do so because of inability to locate a proper person, or because of a refusal to accept payment by any such person he shall, as provided in 28 U.S.C. 2041, deposit such unpaid funds with the Clerk of this Court accompanied by a list of the names, last known address, if any, and the amount due to each of said persons. Any of such funds may be withdrawn for payment to a person entitled thereto upon orders of this Court.

The costs of this action will be paid by the defendants.

DATED this 9 day of April, 1973.

J. Allen E. Barron
UNITED STATES DISTRICT JUDGE

Entry of this Judgment is hereby consented to:

Tom H. Gudge, Jr.
Tom H. Gudge, Jr.
Gudge, Winn & Scott
Attorney for Defendants

Douglas B. Jandebeur
Douglas B. Jandebeur
Defendant and President of
Defendant, Jandebeur's
Motor Company, Inc.

Plaintiff moves for the entry of the foregoing judgment.

Richard F. Schubert
Richard F. Schubert
Solicitor of Labor

George T. Every
George T. Every
Regional Solicitor

William E. Everheart
William E. Everheart
Attorney

Attorneys for JAMES D. HODGSON,
Secretary of Labor, United
States Department of Labor,

Plaintiff

Exhibit "A"

<u>Name</u>	<u>Amount Due</u>
A. C. Barnes	185.83
Edgar Brown	166.62
Ron Cornelius	42.63
Harrell Daniel	32.32
Elsie Deaton	309.75
R. Deaton	268.24
John Dan DeLuca	65.65
Joe Driscoll	294.07
Bob Gower	44.23
Steve Hunt	5.58
Steve Kilmer	5.10
Gary Kirchmeyer	182.04
Steve Lightfoot	5.24
Bill Marrs	61.78
Ken McNulty	339.00
Jim Nunnally	68.92
Chris Pierce	13.88
John Profitt	10.00
R. D. Randle	36.24
Chuck Schlegel	62.20
Dan Walsh	32.95
Clarence Ward	111.95
Bob Ware	125.71
Jerry Willard	128.40
Ken Wright	88.83
Total	<u>2,687.16</u>

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Civil Action No. 73-C-35 ✓
)
KENNETH N. MITCHELL, et al.,)
)
)
Defendants.)

FILED


APR 9 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

AFFIDAVIT FOR ENTRY OF DEFAULT BY CLERK

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

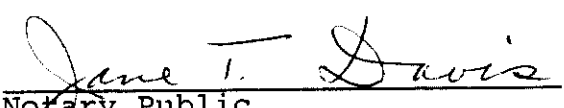
ROBERT P. SANTEE, Assistant U.S. Attorney, being duly sworn, says that he is attorney for the Plaintiff, United States of America, in the above entitled action; that personal service of Summons and Complaint was made on defendants, Kenneth N. Mitchell, Diane L. Mitchell, and Sears, Roebuck and Company, as reflected by the Marshal's Return of Service herein; that the debt owing to Sears, Roebuck and Company was discharged in bankruptcy; that Sears, Roebuck and Company has executed and mailed to the Tulsa County Clerk a termination of the Financing Statement listed in the Complaint and it no longer claims any right, title or interest in or to the premises being foreclosed; that the time within which the defendants, Kenneth N. Mitchell and Diane L. Mitchell, may answer or otherwise move as to the Complaint has expired; that defendants have not answered or otherwise moved, and that the time for defendants to answer or otherwise move has not been extended.


ROBERT P. SANTEE
Assistant United States Attorney

Subscribed and sworn to before me this 9th day of
April, 1973.

My commission expires:

May 26, 1975


Notary Public

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
APR 9 11/3 72

Jack C. Sibley, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ROBERT L. HORNE a/k/a ROBERT L.)
HORN, ALBERTA J. HORNE, etal.,)
)
Defendants.)

Civil Action No. 73-C-28

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 9 day
of April, 1973, the plaintiff appearing by Robert P. Santee, Assistant
United States Attorney, and the defendants, Robert L. Horne a/k/a
Robert L. Horn, Alberta J. Horne, Boulder Bank and Trust Company,
Planned Credit Incorporated a/k/a Credit Plan Incorporation, and
Postal Finance Company, appearing not.

The Court being fully advised and having examined the
file herein finds that personal service of summons and complaint
has been made on all the defendants, as appears from the Marshal's
Returns of Service herein, and

It appearing that the said defendants have failed to
answer herein and that default has been entered by the Clerk of
this Court, with the exception of Boulder Bank & Trust Company
which Company has filed its Disclaimer herein.

The Court further finds that this is a suit based upon
a mortgage note and foreclosure on a real property mortgage securing
said mortgage note and that the following described real property
is located in Tulsa County, Oklahoma, within the Northern Judicial
District of Oklahoma:

Lot Thirty-One (31), Block Forty-Five (45), VALLEY
VIEW ACRES SECOND ADDITION to the City of Tulsa,
Tulsa County, Oklahoma, according to the recorded
plat thereof.

The Court further finds that the material allegations of plaintiff's Complaint are true and correct, and

THAT the defendants, Robert L. Horne a/k/a Robert L. Horn, and Alberta J. Horne, did, on December 9, 1966, execute and deliver to the Administrator of Veterans Affairs, his successors and assigns, their mortgage and mortgage note in the sum of \$10,500.00 with 6 per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Robert L. Horne a/k/a Robert L. Horn and Alberta J. Horne, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$9,887.72 as unpaid principal, with interest thereon at the rate of 6 per cent interest per annum from January 1, 1972, until paid, plus the cost of this action accrued and accruing, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting or sums for the preservation of subject property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Robert L. Horne a/k/a Robert L. Horn and Alberta J. Horne, in rem, for the sum of \$9,887.72 with interest thereon at the rate of 6 per cent per annum from January 1, 1972, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal

for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

APPROVED.


ROBERT P. SANTEE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA FOR THE
USE OF BRADEN INDUSTRIES, INC.,

Plaintiff,

-vs-

HEMPHILL CORPORATION, a corporation,
and UNITED STATES FIDELITY AND
GUARANTY COMPANY, a corporation,

Defendants,

T. K. INTERNATIONAL INC.; W. C. KLINTWORTH;
and R. G. TODD,

Intervenors.

No. 72-C-391

FILED

APR 6 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff and hereby dismisses the above
cause with prejudice.

DATED this _____ day of April, 1973.

Attorney for Plaintiff

O R D E R

— Permission to file Dismissal With Prejudice in the
above styled matter is granted this 5 day of April,
1973.

Luther Bohannon
United States District Judge

PRAY, SCOTT & LIVINGSTON
2800 Fourth National Bank Bldg.
Tulsa, Oklahoma 74119
583-1366

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 6 1973

REBECCA NAN JONES, and)
DONALD M. JONES,)
Plaintiffs,)
vs.)
GEORGE BRILEY,)
TALL TEXAN Company, as)
additional deft. Defendants.)

NO. 72-C-327 Jack C. Silver, Clerk
U. S. DISTRICT COURT
CONSOLIDATED
No. 72-C-328 ✓

ORDER OF DISMISSAL

ON this 6 day of April, 1973, upon the written
application of the parties for a Dismissal with Prejudice of the Com-
plaint and Amendment ^{ed} to Complaint ^{in each of the above consolidated cases} and all causes of action, the Court
having examined said application, finds that said parties have entered
into a compromise settlement covering all claims involved in the ^{each of}
Complaint and Amendment ^{ed} to Complaint and have requested the Court to
dismiss said Complaint and Amendment ^{ed} to Complaint with prejudice to
any future action, and the Court being fully advised in the premises,
finds that said Complaint and Amendment ^{ed} to Complaint ^{in each of these consolidated cases} should be dismissed
pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court
that the Complaint and Amendment ^{ed} to Complaint and all causes of action
^{each} of the plaintiffs filed herein against the defendant be and the same are
hereby ~~to~~ dismissed with prejudice to any future actions.

Fred Daugherty
JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

JACK B. SELLERS
ALLEN B. MITCHELL

By: Allen B. Mitchell

Attorneys for the Plaintiff,

ALFRED B. KNIGHT

Alfred B. Knight
Attorney for the Defendant

RECEIVED MAR 27 1973

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 5 1973

JESSE LOWE, JR., and JOYCE LOWE,
husband and wife,

Plaintiffs,

vs.

GULF MART OF TULSA, INC., a
Delaware corporation,

Defendant.

) Jack C. Silver, Clerk
) U. S. DISTRICT COURT
)

) NO. 72-C-148
)
)
)

O R D E R

The Court has for consideration the Plaintiffs' Motion to Remand this cause to the District Court of Creek County, State of Oklahoma, amendment thereto, and has reviewed the briefs in support of said motion and the brief of Defendant, Gulf Mart of Tulsa, Inc., in opposition to said motion.


The Court being fully informed in the premises finds that diversity jurisdiction is properly established in the Federal Court and the Motion to Remand should be overruled.

Further, the Court finds that both plaintiff and defendant seek the dismissal of Rex Hall as a party defendant in this cause, and that said Rex Hall should be dismissed as a party defendant.

IT IS, THEREFORE, ORDERED that the Motion to Remand be and it is hereby overruled.

IT IS FURTHER ORDERED that Rex Hall be and he is hereby dismissed as a party defendant.

Dated this 5th day of April, 1973, at Tulsa, Oklahoma.



CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
20.00 Acres of Land, More)
or Less, Situate in Rogers)
County, State of Oklahoma,)
and H. E. Wentworth, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 69-C-163

Tract No. 437M

FILED

APR 11 - 1973

Jack C. Smith, Clerk
U. S. DISTRICT COURT

ORDER VACATING JUDGMENT AS TO WORKING INTEREST

NOW, on this 3rd day of April, 1973, on the Court's own initiative, this matter comes on for consideration of the validity of the Judgment entered in this action on July 8, 1970. Having examined the files in this matter and being fully advised in the premises, the Court finds that:

The said Judgment, insofar as it applied to the working interest, was based upon a Commissioners' Report in which the Commissioners deducted plugging costs from the market value of the working interest in a producing oil and gas lease. Such action was contrary to the law as expressed in United States v. 79.95 Acres of Land, etc., Rogers Co., Okl., 459 F2d 185, (10th Cir. 1972), and rendered said Report clearly erroneous as to the working interest. Therefore, the Judgment as to the working interest should be set aside.

It Is, Therefore, ORDERED that the Judgment entered in this case on July 8, 1970, as it applies to the award for the working interest and to the judgment against the former owners thereof, is hereby vacated and set aside.

It Is Further ORDERED, ADJUDGED and DECREED that the award for the said working interest is hereby fixed at \$3,893.00.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

vs.

40.00 Acres of Land, More
or Less, Situate in Rogers
County, State of Oklahoma,
and Glenn H. Chappell, et
al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 69-C-160

Tract No. 516M

FILED

APR 5 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER VACATING JUDGMENT AS TO WORKING INTEREST

Now, on this 2nd day of April, 1973, on the Court's own initiative, this matter comes on for consideration of the validity of the Judgment entered in this action on July 8, 1970. Having examined the files in this matter and being fully advised in the premises, the Court finds that:

The said Judgment, insofar as it applied to the working interest, was based upon a Commissioners' Report in which the Commissioners deducted plugging costs from the market value of the working interest in a producing oil and gas lease. Such action was contrary to the law as expressed in United States v. 79.95 Acres of Land, etc., Rogers Co., Okl., 459 F2d 185, (10th Cir. 1972), and rendered said Report clearly erroneous as to the working interest. Therefore, the Judgment as to the working interest should be set aside.

It Is, Therefore, ORDERED that the Judgment entered in this case on July 8, 1970, as it applies to the award for the working interest and to the judgment against the former owners thereof, is hereby vacated and set aside.

It Is Further ORDERED, ADJUDGED and DECREED that the award for the said working interest is hereby fixed at \$8,281.00.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
140.00 Acres of Land, More)
or Less, Situate in Rogers)
County, State of Oklahoma,)
and Victor Oil Corporation,)
et al., and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 69-C-161

Tracts Nos. 518M-1 and
518M-2

FILED

APR 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER VACATING JUDGMENT AS TO WORKING INTEREST

NOW, on this 3rd day of April, 1973, on the Court's own initiative, this matter comes on for consideration of the validity of the Judgment entered in this action on July 8, 1970. Having examined the files in this matter and being fully advised in the premises, the Court finds that:

The said Judgment, insofar as it applied to the working interest, was based upon a Commissioners' Report in which the Commissioners deducted plugging costs from the market value of the working interest in a producing oil and gas lease. Such action was contrary to the law as expressed in United States v. 79.95 Acres of Land, etc., Rogers Co., Okl., 459 F2d 185, (10th Cir. 1972), and rendered said Report clearly erroneous as to the working interest. Therefore, the Judgment as to the working interest should be set aside.

It Is, Therefore, ORDERED that the Judgment entered in this case on July 8, 1970, as it applies to the award for the working interest and to the judgment against the former owners thereof, is hereby vacated and set aside.

It Is Further ORDERED, ADJUDGED and DECREED that the award for the said working interest is hereby fixed at \$9,948.00.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 69-C-162
)
27.50 Acres of Land, More) Tract No. 523M
or Less, Situate in Rogers)
County, State of Oklahoma,)
and Clifford L. House, et)
al., and Unknown Owners,)
)
Defendants.)

FILED

APR 11 1973

J. G. SHER, Clerk
U. S. DISTRICT COURT

ORDER VACATING JUDGMENT AS TO WORKING INTEREST

NOW, on this 3rd day of April, 1973, on the Court's own initiative, this matter comes on for consideration of the validity of the Judgment entered in this action on July 8, 1970. Having examined the files in this matter and being fully advised in the premises, the Court finds that:

The said Judgment, insofar as it applied to the working interest, was based upon a Commissioners' Report in which the Commissioners deducted plugging costs from the market value of the working interest in a producing oil and gas lease. Such action was contrary to the law as expressed in United States v. 79.95 Acres of Land, etc., Rogers Co., Okl., 459 F2d 185, (10th Cir. 1972), and rendered said Report clearly erroneous as to the working interest. Therefore, the Judgment as to the working interest should be set aside.

It Is, Therefore, ORDERED that the Judgment entered in this case on July 8, 1970, as it applies to the award for the working interest and to the judgment against the former owners thereof, is hereby vacated and set aside.

It Is Further ORDERED, ADJUDGED and DECREED that the award for the said working interest is hereby fixed at \$1,305.00.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JESSIE JAMES HAYNES,)
)
 Petitioner,)
)
 vs.)
)
 PARK J. ANDERSON, WARDEN,)
 OKLAHOMA STATE PENITENTIARY,)
)
 Respondent.)

72-C-320

FILED

APR 5 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files and records of this proceeding, which include transcript of entry of plea of guilty in the District Court of Tulsa County, Oklahoma and the Second Report of the United States Magistrate concerning the same, and being fully advised in the premises, FINDS:

1. The petitioner has exhausted the remedies available in the courts of the State of Oklahoma;
2. An evidentiary hearing is not required since the Petition filed herein and the records and files examined by the Court conclusively show that the petitioner is not entitled to relief and no factual issues are raised.

IT IS, THEREFORE, ORDERED:

1. The Petition for Habeas Corpus filed herein is denied and the case dismissed.
2. That a copy of this Order be mailed by the Clerk of this Court to the petitioner, together with a copy of the Second Report of the United States Magistrate.
3. That the Clerk of this Court furnish to respondent a copy of this Order together with a copy of the Second Report of the United States Magistrate by mailing same to the Attorney General of the State of Oklahoma.

3. That the transcript of proceedings furnished by the respondent herein be returned to the Attorney General of the State of Oklahoma for filing.

Dated this 5th day of April, 1973.

Clifford E. S. [Signature]
CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE
INDUSTRY BENEFIT FUND,

Plaintiff,

vs.

HARRELSON CONSTRUCTION &
WELDING COMPANY,

Defendant.

NO. 73-C-61

FILED

APR 5 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT BY DEFAULT

The Summons and the Complaint in the above entitled action, having been duly served on the defendant, and the defendant is in default for failure to appear in this action, and the plaintiff has filed a Motion for Default Judgment and an affidavit of the amount due; it is

ORDERED that judgment be entered in favor of the plaintiff above named, and against the defendant above named, in the sum of \$4,295.02, with interest thereon at the legal rate, attorney's fee in the amount of \$1,200.00, together with costs in the sum of \$18.00.

DATED at Tulsa, Oklahoma, this 5 day of April, 1973.

BY THE COURT:

Lisa J. Jorgensen
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

The United State of America,
for the use and benefit of
McAdams Pipe & Supply Co.,
a corporation,

Plaintiff,

-vs-

Hemphill Corporation and United
States Fidelity & Guaranty Company,
a corporation,

Defendants.)

FILED

APR 3 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 72-C-371

D I S M I S S A L

Comes now the plaintiff and by leave of Court first had and obtained,
hereby dismisses the above styled and captioned action with prejudice to
a future action.

McADAMS PIPE & SUPPLY CO.,

By

its President

LOEFFLER & ALLEN

By

Attorneys for Plaintiff

LAW OFFICES

LOEFFLER
& ALLEN

Bristow Office
DHL:di

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

The United States of America,
for the use and benefit of
McAdams Pipe & Supply Co.,
a Corporation,

Plaintiff,

-vs-

Hemphill Corporation and United
States Fidelity & Guaranty Company,
a Corporation,

Defendants,

T K International, Inc.; W. C.
Klintworth and R. G. Todd,

Intervenors.)

FILED

APR 3 - 1973 ✓

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 72-C-371 ✓

APPLICATION TO DISMISS COMPLAINT

Comes now McAdams Pipe & Supply Co., plaintiff herein, and asks leave of Court to dismiss its cause of action against the defendants and intervenors, and in support thereof shows to the Court that it has agreed to accept \$2,025.00 from the defendants and intervenors in full satisfaction of its cause of action against said parties; that said sum has been tendered to plaintiff by said defendants and intervenors; and that said settlement is a fair and reasonable settlement in the premises.

WHEREFORE, plaintiff moves the Court to grant it leave to dismiss its said cause of action against said parties with prejudice to a future action.

LOEFFLER & ALLEN

By 
Attorneys for Plaintiff

ORDER

Now, on this 2nd day of April, 1973, upon the Application of the plaintiff to dismiss said cause, and the Court finding that the parties thereto have all agreed to a settlement of said action and payments have been

LAW OFFICES

LOEFFLER
& ALLEN

Bristow Office
DHL:dl

made in accordance with said proposed settlement:

IT IS HEREBY ORDERED that McAdams Pipe & Supply Co., plaintiff herein, be, and it is authorized to dismiss said action with prejudice to a future action, and said dismissal is hereby approved.

Luther Bohannon

Judge of the United States
District Court

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FLORENCE HENRIE, ANNABELLE HENRIE
FORREST, ELEANOR HENRIE EMMETT,
LOLA MAE HENRIE THOMAS, WILLIAM
JENNINGS BRYAN HENRIE II, and
HOWARD HENRIE, successors of W. J.
Bryan Henrie, D.O., deceased,

Plaintiffs,

and

DR. SARAH G. ALLISON, Ph.D., REV.
JOHN B. WOLF, and DR. FRANK
HLADKY, M.D.,

Intervenors,

vs.

THE HONORABLE LARRY DERRYBERRY,
Attorney General of the State of
Oklahoma, ROBERT GEE, District
Attorney for District 13, SAM
HARRIS, Assistant District Attor-
ney in the County of Delaware,
District 13, and S. M. FALLIS, JR.,
District Attorney for District 14,
State of Oklahoma,

Defendants.

CIVIL ACTION

FILE NO. 70-C-211

FILED

APR 2 - 1973

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Pat Malloy, A. F. Ringold and Gene Mortenson, of Tulsa, Okla-
homa, Attorneys for Plaintiffs and Intervening Plaintiffs.

Gary M. Bush, Assistant Attorney General (Honorable Larry
Derryberry, Attorney General of Oklahoma, and Paul C. Duncan,
Assistant Attorney General, with him on the briefs), for De-
fendant Larry Derryberry.

Andrew B. Allen, Tulsa, Oklahoma, Assistant District Attorney
for District 14 (S. M. Fallis, Jr., Tulsa, Oklahoma, District
Attorney for District 14, with him on the brief), for Defend-
ant S. M. Fallis, Jr.

Ronald Stockwell appeared on behalf of Defendant Frank Grayson,
formerly District Attorney for District 13.

Sam Harris, Assistant District Attorney in the County of Dela-
ware, District 13, filed a supplemental brief.

Before HOLLOWAY, Circuit Judge, and BARROW, Chief Judge of the
Northern District of Oklahoma, and EUBANKS, District Judge of
the Western District of Oklahoma.

HOLLOWAY, Circuit Judge.

MEMORANDUM OPINION AND ORDER

This suit challenges the constitutionality of the Oklahoma criminal abortion statutes and related laws. We have withheld our decision pending the Supreme Court opinions in Roe v. Wade, _____ U.S. _____, and Doe v. Bolton, _____ U.S. _____, decided on January 22, 1973.

Under these decisions we hold that the Oklahoma criminal abortion statutes appearing in 21 O.S. 1971 §§ 861 and 862, prohibiting procuring an abortion and submitting to or soliciting one to attempt abortion, are unconstitutional under the Fourteenth Amendment and grant declaratory relief as to their invalidity. We deny injunctive relief, being satisfied that it is unnecessary and inappropriate.

We do not hold invalid the Oklahoma criminal statute prohibiting the procuring of destruction of an unborn quick child, 21 O.S. 1971 § 714. Instead we feel there is a substantial possibility that the constitutionality of that statute may be preserved by an interpretation of it by the Oklahoma Courts which is permissible and in harmony with the Supreme Court decisions. In order that the State Courts may construe the State statute in the light of the recent Supreme Court decisions, we abstain from interpreting the statute and deciding its constitutionality.

Relief is sought against other statutes regulating professional conduct and declaring the procuring, aiding and abetting of a criminal abortion to be unprofessional. See 59 O.S. 1971 §§ 503 and 509. Since the State Board and members thereof charged with enforcement of these statutes were not joined as parties, we conclude that there is no case or controversy between the parties before us concerning these statutes. Likewise we have no genuine case or controversy before us as to the validity of 21 O.S. 1971 §§ 713 or 863 which deal with wilful killing of a quick child by

injury to the mother and concealing the stillbirth or death of a child. Accordingly, we grant no relief as to these statutes.

Following trial to the three-judge court convened to hear this suit under 28 U.S.C. §§ 2281 et seq., we determined that we should withhold our decision until the Supreme Court's opinions in the abortion cases were rendered. We stayed our decision and notified the parties of this determination. On consideration of those opinions and briefs which the parties have subsequently submitted concerning them, we now enter this memorandum opinion and order which will serve as our findings of fact and conclusions of law under Rule 52 F.R.Civ. P., and our judgment.

The Parties, Standing and Justiciability

1. Intervenors Allison, Hladky and Wolf. This suit was originally commenced by W. J. Bryan Henrie, D.O., now deceased, seeking declaratory and injunctive relief against enforcement of various Oklahoma abortion statutes. Shortly thereafter the court permitted Sarah Allison, John B. Wolf and Frank Hladky to intervene and join the challenge to the constitutionality of the Oklahoma abortion statutes, for themselves and for others similarly situated.

Dr. Allison is a psychologist employed by the Tulsa Guidance Clinic and Tulsa County Juvenile Court. Dr. Hladky is a practicing psychiatrist and is the Director of the Tulsa Psychiatric Foundation. Reverend Wolf is the Minister of the All Souls Unitarian Church at Tulsa. We earlier determined that these intervenors could properly maintain their claims as class actions on behalf of themselves and others similarly situated.

The proof of the intervenors showed that there were continuing requests to them for consultation, advice and counsel by women who are pregnant and for various and serious reasons are concerned

about the advisability of bearing a child. Each of these parties desires to give advice on the possible option of abortion. Under the Oklahoma statutes restricting abortions, 21 O.S. 1971 §§ 861 and 862, the giving of such advice would subject each of these three parties to a very serious risk of criminal prosecution in the event that such advice led to the procurement of an abortion. And in the case of Dr. Hladky, the giving of such advice might well lead to the loss of his license to practice medicine in Oklahoma. See 59 O.S. 1971 §§ 503 and 509.

In asserting their challenges to 21 O.S. 1971 §§ 714, 861 and 862, the intervenors have a direct threat of personal detriment sufficient to demonstrate standing. *Doe v. Bolton*, supra at ___, slip opinion, p.8; *Flast v. Cohen*, 392 U.S. 83, 101. It is their interests that are presently at stake and not merely those of the general public. Moreover the dispute between the parties before us is presented in an adversary context and in a form historically viewed as capable of judicial resolution. *Flast v. Cohen*, supra at 101. Therefore we are satisfied that these intervenors have presented the court with an actual case or controversy under Article III of the federal constitution as to §§ 714, 861 and 862. *Doe v. Bolton*, supra at ___, slip opinion, p.7; cf. *Eisenstadt v. Baird*, 405 U.S. 438, 443.

We also believe these plaintiffs have demonstrated the proper standing to assert the rights of the pregnant women they wish to advise. The appropriate nexus is shown by the confidential relationship these intervenors share with the women they wish to counsel. Unless the intervenors may assert such rights, the rights of all concerned may be diluted or adversely affected. *Griswold v. Connecticut*, 381 U.S. 479, 481; see also *Eisenstadt v. Baird*, supra at 444-446; *Barrows v. Jackson*, 346 U.S. 249; *Truax v. Raich*, 239 U.S. 33.

We turn to the justiciability of the challenges to 59 O.S. 1971 §§ 503 and 509 regulating professional conduct. § 509 defines unprofessional conduct to include " p r o c u r i n g, aiding or abetting a c r i m i n a l operation or abortion."

Coupled with § 503, this statute would permit the Oklahoma Board of Medical Examiners to revoke or suspend the license or certificate to practice of any physician or surgeon engaging in such conduct.

However, the responsibility of enforcement of the statutes is given to the Board of Examiners. Since the Board and its members who enforce these statutes are not joined as parties, the challenge to §§ 503 and 509 is not presented in an adversary context or in a form historically viewed as capable of judicial resolution. *Flast v. Cohen*, supra at 101. This dispute does not touch the legal relations of parties having the essential adverse legal interests for a justiciable controversy to be present. *Aetna Life Insurance Co. v. Haworth*, 300 U.S. 227, 241. Thus as to the challenge to the constitutionality of these statutes we do not have a proper case or controversy for federal jurisdiction under Article III. We conclude that we may not properly consider here the constitutionality of 59 O.S. 1971 §§ 503 and 509.

2. Dr. Henrie. The original plaintiff in this suit was at one time an osteopathic physician licensed and practicing in Oklahoma. In 1962 he was convicted, apparently under 21 O.S. 1971 § 861, of violating the Oklahoma criminal abortion laws. In addition to incarceration, he suffered the loss of his license to practice osteopathy.

Dr. Henrie died subsequent to the trial on the merits. His counsel have moved for substitution of his successors, named in the caption, under Rule 25, F.R.Civ.P. The motion is unopposed and the substitution of his successors is ordered.

While pending criminal proceedings must be abated in the Federal courts upon the death of the defendant, *Durham v. United States*, 401 U.S. 481; *Epps v. United States*, 401 U.S. 1006, this case involves a State conviction which became final

before the defendant's death. This subsequent suit which Dr. Henrie instituted was collateral to his earlier State conviction that was already final. In such circumstances we feel that no injunctive or declaratory relief may be granted by this Federal court.

Declaratory judgments are not generally an appropriate means of attacking the validity of State convictions. See *Shannon v. Sequechi*, 365 F.2d 827,829 (10th Cir.), cert. denied, 386 U.S. 481; *Booker v. Arkansas*, 380 F.2d 240,242 (8th Cir.); *Morton v. Avery*, 393 F.2d 138 (6th Cir.), cert. denied, 393 U.S. 892; *United States ex rel. Bennett v. Illinois*, 356 F.2d 878 (7th Cir.), cert. denied, 384 U.S. 946; see also *Sepulveda v. Colorado*, 335 F.2d 581 (10th Cir.). Since Dr. Henrie was under no restraint by incarceration, parole or otherwise, see *Jones v. Cunningham*, 371 U.S. 236, 239-240, at the time the action was commenced, we feel that the suit may not be treated properly as one for habeas relief, even as now expanded. See *Carafas v. LaVallee*, 391 U.S. 234.

It is true that where a sentence has been served and the person is no longer subject to restraint, in compelling circumstances relief in the nature of *coram nobis* may be given. E.g., *United States v. Morgan*, 346 U.S. 502; *Ward v. United States*, 381 F.2d 14 (10th Cir.); see also *Casias v. United States*, 421 F.2d 1233 (10th Cir.). However, such relief must be sought in the court which imposed the sentence. See *Thomas v. Cunningham*, 335 F.2d 67, 69 (4th Cir.); *Madigan v. Wells*, 224 F.2d 577, 578 n.2 (9th Cir.), cert. denied, 351 U.S. 911. Therefore *coram nobis* may not be used as a "collateral writ of error between the state and federal jurisdictions." *Rivenburgh v. Utah*, 299 F.2d 842,843(10th Cir.);

see also *Blake v. Florida*, 395 F.2d 758 (5th Cir.); *Booker v. Arkansas*, *supra* at 243-244.

In view of these limitations on our jurisdiction and the absence of any demonstrated adverse legal effect on the present parties, we conclude that we may not grant relief on the constitutional claims asserted by the successors of Dr. Henrie. *St. Pierre v. United States*, 319 U.S. 41,43; see also *Sibron v. New York*, 392 U.S. 40, 70 (Fortas, J., concurring).

The Constitutionality of the Oklahoma
Criminal Abortion Statutes --
21 O.S. 1971 §§ 861 and 862

As stated above, we are satisfied that the intervenors — Dr. Allison, Dr. Hladky and Reverend Wolf — have standing and present a justiciable case challenging the constitutionality of 21 O.S. 1971 §§ 861 and 862, reproduced in the margin.^{1/}

Roe v. Wade, *supra*, held invalid under the Fourteenth Amendment similar criminal abortion laws of the State of Texas, Articles 1191-1194 and 1196 of the Texas Penal Code. In essence these statutes prohibited administering any drug or medicine, or using any violence or means whatsoever, externally or internally applied, to procure an abortion;

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"§ 861. Procuring an abortion.--Every person who administers to any woman, or who prescribes for any woman, or advises or procures any woman to take any medicine, drug or substance, or uses or employs any instrument, or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, is punishable by imprisonment in the penitentiary not less than two nor more than five years.

"§ 862. Submitting to or soliciting attempt to commit abortion.--Every woman who solicits of any person any medicine, drug, or substance whatever, and takes the same, or who submits to any operation, or to the use of any means whatever, with intent thereby to procure a miscarriage, unless the same is necessary to preserve her life, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both."

however, the statutes did not apply where an abortion was procured or attempted by medical advice for the purpose of saving the life of the mother. The Supreme Court held that the Texas statutes, as written, unconstitutionally infringed the right of privacy of a pregnant woman and were invalid under the due process clause of the Fourteenth Amendment. The Court stated, 409 U. S. at ___, slip opinion p.49:

"1. A state criminal abortion statute of the current Texas type, that excepts from criminality only a life saving procedure on behalf of the mother, without regard to pregnancy stage and without recognition of the other interests involved, is violative of the Due Process Clause of the Fourteenth Amendment.

"(a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

"(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

We are satisfied that under this decision of the Supreme Court we must declare 21 O.S. 1971 §§ 861 and 862 invalid under the Fourteenth Amendment. They are similar in their broad prohibitions against acts connected with an abortion, with the single exception where the abortion is necessary to preserve the life of the mother. §861 proscribes advising or procuring any woman to take any medicine, drug or substance, or use or employ any instrument or means to procure a miscarriage. Moreover, while we have no pregnant woman as a party to this suit, the interests of such a woman may be asserted by the intervenors for the reasons stated, and

thus the prohibitions of § 862 are likewise subject to challenge. In addition, the challenges by the intervenors must be considered in the light of the Oklahoma statute on aiding and abetting the commission of crimes, 21 O.S. 1971 § 172, which brings into focus a present injury to the intervenors in connection with their demonstrated interests in giving counsel and advice concerning the option of abortion.

Therefore, we conclude that these intervenors are entitled to a judgment declaring that 21 O.S. 1971 §§ 861 and 862 are unconstitutional under the Fourteenth Amendment. Believing that the State officers who are defendants will give full recognition to the decision in this cause, we feel it unnecessary to grant any injunctive relief. See *Roe v. Wade*, supra at _____, slip opinion p. 51.

We have noted the decision of the Oklahoma Court of Criminal Appeals in *Jobe v. State*, _____ P.2d _____, 44 O.B.J. 501, decided January 31, 1973, stating that 21 O.S. 1971 §§ 861 and 862 are unconstitutional. The case is pending on rehearing and S. M. Fallis, Jr., District Attorney of District 14, has asked that we await final disposition in the State Court. However, since the intervenors continue to be affected by the statutes generally in their conduct, we feel we should decide this case under the Supreme Court's opinions which are now final.^{2/}

We have also examined the unreported decision in *Brown v. Trimble*, No. C-71-662 in the District Court of Cleveland County, Oklahoma. That judgment declared as between the plaintiffs and the defendant District Attorney of that county that 21 O.S. 1971 §§ 714, 861 and 862 are invalid. However the decision does not appear to bind the parties here in any way and it did not treat the construction of § 714 in connection with the questions concerning that statute discussed

^{2/} The Supreme Court denied rehearing on February 26, 1973, in both *Roe v. Wade* and *Doe v. Bolton*.

below. Thus we feel we should proceed with the dispositions made in this opinion.

The Oklahoma Statute Prohibiting the
Destruction of an Unborn Quick Child —
21 O.S. 1971 § 714

In addition to the Oklahoma criminal abortion laws discussed above, this State has since 1910 had an additional criminal statute prohibiting the destruction of a quick child unless it is necessary to preserve the life of the mother. 21 O.S. 1971 § 714 provides:

"714. Procuring destruction of unborn child:
Every person who administers to any woman pregnant with a quick child, or who prescribes for such woman, or advises or procures any such woman to take any medicine, drug or substance whatever, or who uses or employs any instrument or other means with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, is guilty in case the death of the child or of the mother is thereby produced, of manslaughter in the first degree."

In view of this law and the Oklahoma statute on aiding and abetting, the activities of the intervenors in counseling are affected so that standing and justiciability are present. However, we view the constitutional claims of the intervenors against § 714 differently from their claims against the statutes we have been constrained to declare invalid above.

§ 714 demonstrates on its face a strong public policy in Oklahoma to protect the life of a quick child. It provides that one is guilty of manslaughter in case of the death of the child or of the mother, and it imposes a heavier penalty than the other criminal abortion statutes. The statute thus touches on an extremely sensitive area of public policy which was discussed in *Roe v. Wade*. In staking out the area of permissible State legislation regulating abortions, the Supreme Court stated, 409 U.S. at _____, slip opinion p. 49:

"(c) For the stage subsequent to viability the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where

it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

By its terms §714 does not conform to the pattern outlined by the Supreme Court for a permissible statute protecting the life of an unborn viable fetus. The Court observed that "[v]iability is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks...;"^{3/} Reference has been made to an occurrence of viability as early as about 20 weeks.^{4/} Quickening, on the other hand, is generally regarded as occurring at 16 to 18 weeks.^{5/} Thus as written the Oklahoma statute presently protects the child during a longer portion of the pregnancy than appears permissible under *Roe v. Wade*. And its exception for protecting the life of the mother is not phrased so broadly as the exception in the *Roe* case for preservation of the life or health of the mother.

We must, however, recognize the right of the State courts to construe or limit the statute so as to save its constitutionality. See *United States v. Vuitch*, 402 U.S. 62, 70-71. When faced with such constitutional difficulties the State courts may consider the solution of contracting the coverage of statutes, such as the portion of pregnancy protected by § 714. See *Skinner v. Oklahoma*, 316 U.S. 535, 543. Moreover, the courts may consider a saving interpretation of the exception relating to the preservation of the life of the mother -- a term which has been construed to include her health. *E.g.*, *Roe v. Wade*, supra at ___, slip opinion p.22.

We feel we should not undertake thus to construe or narrow the State statute. *Grayned v. City of Rockford*, 408 U.S. 104, 110; *United States v. 37 Photographs*, 402 U.S.

^{3/} See *Roe v. Wade*, supra at ___, slip opinion, p.45, and medical authority there cited.

^{4/} L. Hellman & J. Pritchard, *Williams Obstetrics* 493 (14th ed. 1971).

^{5/} See *Roe v. Wade*, supra at ___, slip opinion, p.17, and the medical authority there cited, *Dorland's Illustrated Medical Dictionary* 1261 (24 ed. 1965).

363, 369. It is sufficient, we feel, for us to note that § 714 may be capable of the necessary statutory repairs to save its constitutionality, see *Welsh v. United States*, 398 U.S. 333, 365-366 (Harlan, J., concurring). It is proper to leave the function of construction to the State courts.

Abstention by the Federal courts is most appropriate where, as here, the State law is uncertain and susceptible of a construction that would avoid or modify the federal constitutional issue. *Lake Carriers' Assn. v. MacMullan*, 406 U.S. 498, 510-511; *Fornaris v. Ridge Tool Co., et al.*, 400 U.S. 41. We feel that both the issues of the right of privacy and of vagueness of the statute may be avoided or modified by State Court interpretation of §714. In view of the possibility of a saving construction, the sensitive area of public policy involved, and the fact that the State criminal laws are in question, we conclude we should abstain from interpreting § 714 in connection with the claims for declaratory as well as injunctive relief. See *Zwickler v. Koota*, 389 U.S. 241, 254.

21 O.S. 1971 §§ 713 and 863

In addition to the Oklahoma statutes previously discussed, the complaints in this suit also alleged that 21 O.S. 1971 §§ 713 and 863 are unconstitutional. These statutes prohibit the willful killing of an unborn quick child by an injury to the mother and concealing the stillbirth or death of a child.

None of the intervenors has demonstrated any interest or proposed course of conduct that would subject them to a risk of prosecution under these statutes. Under the proof made we can perceive no circumstances which would involve a possible violation of the statutes by reason of the intervenors' activities as counselors to distressed pregnant women. Lacking proof as to the probability of any effect on these

intervenors by enforcement of 21 O.S. 1971 §§ 713 or 861, the Court does not have a controversy to adjudicate as to the constitutionality of the statutes. *United Public Workers v. Mitchell*, 330 U.S. 75, 89-90; see also *Hawkins v. Town of Shaw, Mississippi*, 461 F.2d 1171, 1175 (5th Cir.) (Wisdom, J., concurring).

It is therefore ORDERED as follows:

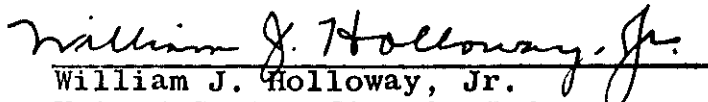
(1) That all relief is denied to the successors of Dr. Henrie;


(2) That relief by way of a declaratory judgment is granted pursuant to the prayer of the intervenors, Dr. Allison, Dr. Hladky and Rev. Wolf, against the Attorney General of Oklahoma, The Honorable Larry Derryberry and defendants Gee, Harris and Fallis, adjudging and declaring that as to the intervenors and all others similarly situated and residing in the State of Oklahoma as of trial herein on March 1, 1971, and affected by the Oklahoma criminal abortion statutes, that 21 O.S. 1971 §§ 861 and 862 are unconstitutional under the due process clause of the Fourteenth Amendment of the United States Constitution, and are void and unenforceable as to them;


(3) That the claims of the intervenors, Dr. Allison, Dr. Hladky and Rev. Wolf, as to the invalidity of 21 O.S. 1971 § 714, are dismissed without prejudice, the Court concluding that it should abstain from a decision as to the validity of § 714;

(4) That all other relief sought by any parties is denied.

Upon commencement of the action by Dr. Henrie as an indigent, the Court requested Messrs. Pat Malloy and A. F. Ringold of the Tulsa Bar to represent him. They have done so with skill and devotion to the interests of their client and of the other plaintiffs. The Court is indebted to them and to all counsel for their assistance in diligently and skillfully presenting the case.


William J. Holloway, Jr.
United States Circuit Judge


Allen E. Barrow, Chief Judge
Northern District of Oklahoma


Luther B. Eubanks
United States District Judge
Western District of Oklahoma